

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Notary Public Act is amended by
5 changing Section 1-105 as follows:

6 (5 ILCS 312/1-105)

7 (Section scheduled to be repealed on July 1, 2020)

8 Sec. 1-105. Notarization Task Force on Best Practices and
9 Verification Standards to Implement Electronic Notarization.

10 (a) The General Assembly finds and declares that:

11 (1) As more and more citizens throughout the State of
12 Illinois rely on electronic devices they also increasingly
13 depend on electronic documentation. Any assertion that
14 e-mails or word processing documents are necessarily
15 "informal and not legally binding" has been dispelled by
16 national legislation such as the federal "E-Sign" law in
17 2000 and the Uniform Electronic Transactions Act, which has
18 been virtually universally adopted throughout the United
19 States. Increasingly, laws have bestowed upon electronic
20 documents the same legal effect as paper instruments.

21 (2) Moreover, institutions, businesses, and commerce
22 have gradually put more of their faith in electronic
23 commerce and information technology in order to facilitate

1 formal and informal interactions that are oftentimes
2 mission-critical and sensitive. In order to meet the
3 growing demand for electronic commerce that is both
4 convenient and secure, understanding the processes and
5 technology is critical and the need for an electronic or
6 remote notarization - the process of notarizing a signature
7 on an electronic document by electronic methods - is
8 becoming a necessity.

9 (b) As used in this Section, "Task Force" means the
10 Notarization Task Force on Best Practices and Verification
11 Standards to Implement Electronic Notarization.

12 (c) There is created a Notarization Task Force on Best
13 Practices and Verification Standards to Implement Electronic
14 Notarization to review and report on national standards for
15 best practices in relation to electronic notarization,
16 including security concerns and fraud prevention. The goal of
17 the Task Force is to investigate and provide recommendations on
18 national and State initiatives to implement electronic
19 notarization in such a manner that increases the availability
20 to notary public services, protects consumers, and maintains
21 the integrity of the notarization seal and signature.

22 (d) The Task Force's report shall include, but not be
23 limited to, standards for an electronic signature, including
24 encryption and decryption; the application process for
25 electronic notarial commission; and the training of notaries on
26 electronic notarization standards and best practices prior to

1 the commission of an electronic notary's electronic signature.
2 The report shall also evaluate and make a recommendation on
3 fees for notary application and commission, on which documents
4 and acts can be attested to by electronic notaries, and on
5 security measures that will protect the integrity of the
6 electronic notary's electronic signature, as well as standards
7 that the Secretary of State may rely upon for revoking an
8 electronic notarization. The report must make a recommendation
9 on whether and to what extent this Act should be expanded and
10 updated.

11 (e) The Task Force shall meet no less than 5 times between
12 the effective date of this amendatory Act of the 100th General
13 Assembly and December 31, 2019. The Task Force shall prepare a
14 report that summarizes its work and makes recommendations
15 resulting from its review. The Task Force shall submit the
16 report of its findings and recommendations to the Governor and
17 the General Assembly no later than June 30, 2020.

18 (f) The Task Force shall consist of the following 17
19 members:

20 (1) one member appointed by the Secretary of State from
21 the Index Department of the Office of the Secretary of
22 State;

23 (2) one member appointed by the Secretary of State from
24 the Department of Information Technology of the Office of
25 the Secretary of State;

26 (3) one member appointed by the President of the

1 Senate;

2 (4) one member appointed by the Minority Leader of the
3 Senate;

4 (5) one member appointed by the Speaker of the House of
5 Representatives;

6 (6) one member appointed by the Minority Leader of the
7 House of Representatives;

8 (7) one member appointed by the Attorney General;

9 (8) one member appointed by the Secretary of State from
10 nominations made by the president of a statewide
11 organization representing state's attorneys;

12 (9) one member appointed by the Secretary of State from
13 nominations made by a statewide organization representing
14 attorneys;

15 (10) one member appointed by the Secretary of State
16 from nominations made by an organization representing
17 attorneys in a municipality of more than 1,000,000
18 inhabitants;

19 (11) one member appointed by the Secretary of State
20 from nominations made by a statewide organization
21 representing bankers;

22 (12) one member appointed by the Secretary of State
23 from nominations made by a statewide organization
24 representing community bankers;

25 (13) one member appointed by the Secretary of State
26 from nominations made by a statewide organization

1 representing credit unions;

2 (14) one member appointed by the Secretary of State
3 from nominations made by a statewide organization
4 representing corporate fiduciaries;

5 (15) one member appointed by the Secretary of State
6 from nominations made by an organization representing
7 realtors in a municipality of more than 1,000,000
8 inhabitants;

9 (16) one member appointed by the Secretary of State
10 from nominations made by a statewide organization
11 representing realtors; and

12 (17) one member appointed by the Secretary of State
13 from nominations made by a statewide chapter of a national
14 organization representing elder law attorneys.

15 (g) The Secretary of State shall designate which member
16 shall serve as chairperson and facilitate the Task Force. The
17 members of the Task Force shall be appointed no later than 90
18 days after the effective date of this amendatory Act of the
19 100th General Assembly. Vacancies in the membership of the Task
20 Force shall be filled in the same manner as the original
21 appointment. The members of the Task Force shall not receive
22 compensation for serving as members of the Task Force.

23 (h) The Office of the Secretary of State shall provide the
24 Task Force with administrative and other support.

25 (i) This Section is repealed on July 1, 2021 ~~2020~~.

26 (Source: P.A. 100-440, eff. 8-25-17.)

1 Section 10. The Illinois Lottery Law is amended by changing
2 Section 21.13 as follows:

3 (20 ILCS 1605/21.13)

4 Sec. 21.13. Scratch-off for Alzheimer's care, support,
5 education, and awareness ~~The End of Alzheimer's Begins With Me~~
6 ~~scratch-off game.~~

7 (a) The Department shall offer a special instant
8 scratch-off game for the benefit of Alzheimer's care, support,
9 education, and awareness ~~with the title of "The End of~~
10 ~~Alzheimer's Begins With Me"~~. The game shall commence on January
11 1, 2020 or as soon thereafter, at the discretion of the
12 Director, as is reasonably practical, and shall be discontinued
13 on January 1, 2022 ~~2021~~. The operation of the game shall be
14 governed by this Act and any rules adopted by the Department.
15 If any provision of this Section is inconsistent with any other
16 provision of this Act, then this Section governs.

17 (b) The net revenue from the Alzheimer's care, support,
18 education, and awareness ~~"The End of Alzheimer's Begins With~~
19 ~~Me"~~ scratch-off game shall be deposited into the Alzheimer's
20 Awareness Fund.

21 Moneys received for the purposes of this Section,
22 including, without limitation, net revenue from the special
23 instant scratch-off game and from gifts, grants, and awards
24 from any public or private entity, must be deposited into the

1 Fund. Any interest earned on moneys in the Fund must be
2 deposited into the Fund.

3 For the purposes of this subsection, "net revenue" means
4 the total amount for which tickets have been sold less the sum
5 of the amount paid out in the prizes and the actual
6 administrative expenses of the Department solely related to the
7 scratch-off game under this Section.

8 (c) During the time that tickets are sold for the
9 Alzheimer's care, support, education, and awareness ~~"The End of~~
10 ~~Alzheimer's Begins With Me"~~ scratch-off game, the Department
11 shall not unreasonably diminish the efforts devoted to
12 marketing any other instant scratch-off lottery game.

13 (d) The Department may adopt any rules necessary to
14 implement and administer the provisions of this Section.

15 (Source: P.A. 101-561, eff. 8-23-19.)

16 Section 15. The Criminal Identification Act is amended by
17 changing Section 5.2 as follows:

18 (20 ILCS 2630/5.2)

19 Sec. 5.2. Expungement, sealing, and immediate sealing.

20 (a) General Provisions.

21 (1) Definitions. In this Act, words and phrases have
22 the meanings set forth in this subsection, except when a
23 particular context clearly requires a different meaning.

24 (A) The following terms shall have the meanings

1 ascribed to them in the Unified Code of Corrections,
2 730 ILCS 5/5-1-2 through 5/5-1-22:

- 3 (i) Business Offense (730 ILCS 5/5-1-2),
4 (ii) Charge (730 ILCS 5/5-1-3),
5 (iii) Court (730 ILCS 5/5-1-6),
6 (iv) Defendant (730 ILCS 5/5-1-7),
7 (v) Felony (730 ILCS 5/5-1-9),
8 (vi) Imprisonment (730 ILCS 5/5-1-10),
9 (vii) Judgment (730 ILCS 5/5-1-12),
10 (viii) Misdemeanor (730 ILCS 5/5-1-14),
11 (ix) Offense (730 ILCS 5/5-1-15),
12 (x) Parole (730 ILCS 5/5-1-16),
13 (xi) Petty Offense (730 ILCS 5/5-1-17),
14 (xii) Probation (730 ILCS 5/5-1-18),
15 (xiii) Sentence (730 ILCS 5/5-1-19),
16 (xiv) Supervision (730 ILCS 5/5-1-21), and
17 (xv) Victim (730 ILCS 5/5-1-22).

18 (B) As used in this Section, "charge not initiated
19 by arrest" means a charge (as defined by 730 ILCS
20 5/5-1-3) brought against a defendant where the
21 defendant is not arrested prior to or as a direct
22 result of the charge.

23 (C) "Conviction" means a judgment of conviction or
24 sentence entered upon a plea of guilty or upon a
25 verdict or finding of guilty of an offense, rendered by
26 a legally constituted jury or by a court of competent

1 jurisdiction authorized to try the case without a jury.
2 An order of supervision successfully completed by the
3 petitioner is not a conviction. An order of qualified
4 probation (as defined in subsection (a)(1)(J))
5 successfully completed by the petitioner is not a
6 conviction. An order of supervision or an order of
7 qualified probation that is terminated
8 unsatisfactorily is a conviction, unless the
9 unsatisfactory termination is reversed, vacated, or
10 modified and the judgment of conviction, if any, is
11 reversed or vacated.

12 (D) "Criminal offense" means a petty offense,
13 business offense, misdemeanor, felony, or municipal
14 ordinance violation (as defined in subsection
15 (a)(1)(H)). As used in this Section, a minor traffic
16 offense (as defined in subsection (a)(1)(G)) shall not
17 be considered a criminal offense.

18 (E) "Expunge" means to physically destroy the
19 records or return them to the petitioner and to
20 obliterate the petitioner's name from any official
21 index or public record, or both. Nothing in this Act
22 shall require the physical destruction of the circuit
23 court file, but such records relating to arrests or
24 charges, or both, ordered expunged shall be impounded
25 as required by subsections (d)(9)(A)(ii) and
26 (d)(9)(B)(ii).

1 (F) As used in this Section, "last sentence" means
2 the sentence, order of supervision, or order of
3 qualified probation (as defined by subsection
4 (a)(1)(J)), for a criminal offense (as defined by
5 subsection (a)(1)(D)) that terminates last in time in
6 any jurisdiction, regardless of whether the petitioner
7 has included the criminal offense for which the
8 sentence or order of supervision or qualified
9 probation was imposed in his or her petition. If
10 multiple sentences, orders of supervision, or orders
11 of qualified probation terminate on the same day and
12 are last in time, they shall be collectively considered
13 the "last sentence" regardless of whether they were
14 ordered to run concurrently.

15 (G) "Minor traffic offense" means a petty offense,
16 business offense, or Class C misdemeanor under the
17 Illinois Vehicle Code or a similar provision of a
18 municipal or local ordinance.

19 (G-5) "Minor Cannabis Offense" means a violation
20 of Section 4 or 5 of the Cannabis Control Act
21 concerning not more than 30 grams of any substance
22 containing cannabis, provided the violation did not
23 include a penalty enhancement under Section 7 of the
24 Cannabis Control Act and is not associated with an
25 arrest, conviction or other disposition for a violent
26 crime as defined in subsection (c) of Section 3 of the

1 Rights of Crime Victims and Witnesses Act.

2 (H) "Municipal ordinance violation" means an
3 offense defined by a municipal or local ordinance that
4 is criminal in nature and with which the petitioner was
5 charged or for which the petitioner was arrested and
6 released without charging.

7 (I) "Petitioner" means an adult or a minor
8 prosecuted as an adult who has applied for relief under
9 this Section.

10 (J) "Qualified probation" means an order of
11 probation under Section 10 of the Cannabis Control Act,
12 Section 410 of the Illinois Controlled Substances Act,
13 Section 70 of the Methamphetamine Control and
14 Community Protection Act, Section 5-6-3.3 or 5-6-3.4
15 of the Unified Code of Corrections, Section
16 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as
17 those provisions existed before their deletion by
18 Public Act 89-313), Section 10-102 of the Illinois
19 Alcoholism and Other Drug Dependency Act, Section
20 40-10 of the Substance Use Disorder Act, or Section 10
21 of the Steroid Control Act. For the purpose of this
22 Section, "successful completion" of an order of
23 qualified probation under Section 10-102 of the
24 Illinois Alcoholism and Other Drug Dependency Act and
25 Section 40-10 of the Substance Use Disorder Act means
26 that the probation was terminated satisfactorily and

1 the judgment of conviction was vacated.

2 (K) "Seal" means to physically and electronically
3 maintain the records, unless the records would
4 otherwise be destroyed due to age, but to make the
5 records unavailable without a court order, subject to
6 the exceptions in Sections 12 and 13 of this Act. The
7 petitioner's name shall also be obliterated from the
8 official index required to be kept by the circuit court
9 clerk under Section 16 of the Clerks of Courts Act, but
10 any index issued by the circuit court clerk before the
11 entry of the order to seal shall not be affected.

12 (L) "Sexual offense committed against a minor"
13 includes, but is not limited to, the offenses of
14 indecent solicitation of a child or criminal sexual
15 abuse when the victim of such offense is under 18 years
16 of age.

17 (M) "Terminate" as it relates to a sentence or
18 order of supervision or qualified probation includes
19 either satisfactory or unsatisfactory termination of
20 the sentence, unless otherwise specified in this
21 Section. A sentence is terminated notwithstanding any
22 outstanding financial legal obligation.

23 (2) Minor Traffic Offenses. Orders of supervision or
24 convictions for minor traffic offenses shall not affect a
25 petitioner's eligibility to expunge or seal records
26 pursuant to this Section.

1 (2.5) Commencing 180 days after July 29, 2016 (the
2 effective date of Public Act 99-697), the law enforcement
3 agency issuing the citation shall automatically expunge,
4 on or before January 1 and July 1 of each year, the law
5 enforcement records of a person found to have committed a
6 civil law violation of subsection (a) of Section 4 of the
7 Cannabis Control Act or subsection (c) of Section 3.5 of
8 the Drug Paraphernalia Control Act in the law enforcement
9 agency's possession or control and which contains the final
10 satisfactory disposition which pertain to the person
11 issued a citation for that offense. The law enforcement
12 agency shall provide by rule the process for access,
13 review, and to confirm the automatic expungement by the law
14 enforcement agency issuing the citation. Commencing 180
15 days after July 29, 2016 (the effective date of Public Act
16 99-697), the clerk of the circuit court shall expunge, upon
17 order of the court, or in the absence of a court order on
18 or before January 1 and July 1 of each year, the court
19 records of a person found in the circuit court to have
20 committed a civil law violation of subsection (a) of
21 Section 4 of the Cannabis Control Act or subsection (c) of
22 Section 3.5 of the Drug Paraphernalia Control Act in the
23 clerk's possession or control and which contains the final
24 satisfactory disposition which pertain to the person
25 issued a citation for any of those offenses.

26 (3) Exclusions. Except as otherwise provided in

1 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)
2 of this Section, the court shall not order:

3 (A) the sealing or expungement of the records of
4 arrests or charges not initiated by arrest that result
5 in an order of supervision for or conviction of: (i)
6 any sexual offense committed against a minor; (ii)
7 Section 11-501 of the Illinois Vehicle Code or a
8 similar provision of a local ordinance; or (iii)
9 Section 11-503 of the Illinois Vehicle Code or a
10 similar provision of a local ordinance, unless the
11 arrest or charge is for a misdemeanor violation of
12 subsection (a) of Section 11-503 or a similar provision
13 of a local ordinance, that occurred prior to the
14 offender reaching the age of 25 years and the offender
15 has no other conviction for violating Section 11-501 or
16 11-503 of the Illinois Vehicle Code or a similar
17 provision of a local ordinance.

18 (B) the sealing or expungement of records of minor
19 traffic offenses (as defined in subsection (a) (1) (G)),
20 unless the petitioner was arrested and released
21 without charging.

22 (C) the sealing of the records of arrests or
23 charges not initiated by arrest which result in an
24 order of supervision or a conviction for the following
25 offenses:

26 (i) offenses included in Article 11 of the

1 Criminal Code of 1961 or the Criminal Code of 2012
2 or a similar provision of a local ordinance, except
3 Section 11-14 and a misdemeanor violation of
4 Section 11-30 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, or a similar provision of a
6 local ordinance;

7 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,
8 26-5, or 48-1 of the Criminal Code of 1961 or the
9 Criminal Code of 2012, or a similar provision of a
10 local ordinance;

11 (iii) Sections 12-3.1 or 12-3.2 of the
12 Criminal Code of 1961 or the Criminal Code of 2012,
13 or Section 125 of the Stalking No Contact Order
14 Act, or Section 219 of the Civil No Contact Order
15 Act, or a similar provision of a local ordinance;

16 (iv) Class A misdemeanors or felony offenses
17 under the Humane Care for Animals Act; or

18 (v) any offense or attempted offense that
19 would subject a person to registration under the
20 Sex Offender Registration Act.

21 (D) (blank).

22 (b) Expungement.

23 (1) A petitioner may petition the circuit court to
24 expunge the records of his or her arrests and charges not
25 initiated by arrest when each arrest or charge not
26 initiated by arrest sought to be expunged resulted in: (i)

1 acquittal, dismissal, or the petitioner's release without
2 charging, unless excluded by subsection (a)(3)(B); (ii) a
3 conviction which was vacated or reversed, unless excluded
4 by subsection (a)(3)(B); (iii) an order of supervision and
5 such supervision was successfully completed by the
6 petitioner, unless excluded by subsection (a)(3)(A) or
7 (a)(3)(B); or (iv) an order of qualified probation (as
8 defined in subsection (a)(1)(J)) and such probation was
9 successfully completed by the petitioner.

10 (1.5) When a petitioner seeks to have a record of
11 arrest expunged under this Section, and the offender has
12 been convicted of a criminal offense, the State's Attorney
13 may object to the expungement on the grounds that the
14 records contain specific relevant information aside from
15 the mere fact of the arrest.

16 (2) Time frame for filing a petition to expunge.

17 (A) When the arrest or charge not initiated by
18 arrest sought to be expunged resulted in an acquittal,
19 dismissal, the petitioner's release without charging,
20 or the reversal or vacation of a conviction, there is
21 no waiting period to petition for the expungement of
22 such records.

23 (B) When the arrest or charge not initiated by
24 arrest sought to be expunged resulted in an order of
25 supervision, successfully completed by the petitioner,
26 the following time frames will apply:

1 (i) Those arrests or charges that resulted in
2 orders of supervision under Section 3-707, 3-708,
3 3-710, or 5-401.3 of the Illinois Vehicle Code or a
4 similar provision of a local ordinance, or under
5 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
6 Code of 1961 or the Criminal Code of 2012, or a
7 similar provision of a local ordinance, shall not
8 be eligible for expungement until 5 years have
9 passed following the satisfactory termination of
10 the supervision.

11 (i-5) Those arrests or charges that resulted
12 in orders of supervision for a misdemeanor
13 violation of subsection (a) of Section 11-503 of
14 the Illinois Vehicle Code or a similar provision of
15 a local ordinance, that occurred prior to the
16 offender reaching the age of 25 years and the
17 offender has no other conviction for violating
18 Section 11-501 or 11-503 of the Illinois Vehicle
19 Code or a similar provision of a local ordinance
20 shall not be eligible for expungement until the
21 petitioner has reached the age of 25 years.

22 (ii) Those arrests or charges that resulted in
23 orders of supervision for any other offenses shall
24 not be eligible for expungement until 2 years have
25 passed following the satisfactory termination of
26 the supervision.

1 (C) When the arrest or charge not initiated by
2 arrest sought to be expunged resulted in an order of
3 qualified probation, successfully completed by the
4 petitioner, such records shall not be eligible for
5 expungement until 5 years have passed following the
6 satisfactory termination of the probation.

7 (3) Those records maintained by the Department for
8 persons arrested prior to their 17th birthday shall be
9 expunged as provided in Section 5-915 of the Juvenile Court
10 Act of 1987.

11 (4) Whenever a person has been arrested for or
12 convicted of any offense, in the name of a person whose
13 identity he or she has stolen or otherwise come into
14 possession of, the aggrieved person from whom the identity
15 was stolen or otherwise obtained without authorization,
16 upon learning of the person having been arrested using his
17 or her identity, may, upon verified petition to the chief
18 judge of the circuit wherein the arrest was made, have a
19 court order entered nunc pro tunc by the Chief Judge to
20 correct the arrest record, conviction record, if any, and
21 all official records of the arresting authority, the
22 Department, other criminal justice agencies, the
23 prosecutor, and the trial court concerning such arrest, if
24 any, by removing his or her name from all such records in
25 connection with the arrest and conviction, if any, and by
26 inserting in the records the name of the offender, if known

1 or ascertainable, in lieu of the aggrieved's name. The
2 records of the circuit court clerk shall be sealed until
3 further order of the court upon good cause shown and the
4 name of the aggrieved person obliterated on the official
5 index required to be kept by the circuit court clerk under
6 Section 16 of the Clerks of Courts Act, but the order shall
7 not affect any index issued by the circuit court clerk
8 before the entry of the order. Nothing in this Section
9 shall limit the Department of State Police or other
10 criminal justice agencies or prosecutors from listing
11 under an offender's name the false names he or she has
12 used.

13 (5) Whenever a person has been convicted of criminal
14 sexual assault, aggravated criminal sexual assault,
15 predatory criminal sexual assault of a child, criminal
16 sexual abuse, or aggravated criminal sexual abuse, the
17 victim of that offense may request that the State's
18 Attorney of the county in which the conviction occurred
19 file a verified petition with the presiding trial judge at
20 the petitioner's trial to have a court order entered to
21 seal the records of the circuit court clerk in connection
22 with the proceedings of the trial court concerning that
23 offense. However, the records of the arresting authority
24 and the Department of State Police concerning the offense
25 shall not be sealed. The court, upon good cause shown,
26 shall make the records of the circuit court clerk in

1 connection with the proceedings of the trial court
2 concerning the offense available for public inspection.

3 (6) If a conviction has been set aside on direct review
4 or on collateral attack and the court determines by clear
5 and convincing evidence that the petitioner was factually
6 innocent of the charge, the court that finds the petitioner
7 factually innocent of the charge shall enter an expungement
8 order for the conviction for which the petitioner has been
9 determined to be innocent as provided in subsection (b) of
10 Section 5-5-4 of the Unified Code of Corrections.

11 (7) Nothing in this Section shall prevent the
12 Department of State Police from maintaining all records of
13 any person who is admitted to probation upon terms and
14 conditions and who fulfills those terms and conditions
15 pursuant to Section 10 of the Cannabis Control Act, Section
16 410 of the Illinois Controlled Substances Act, Section 70
17 of the Methamphetamine Control and Community Protection
18 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of
19 Corrections, Section 12-4.3 or subdivision (b)(1) of
20 Section 12-3.05 of the Criminal Code of 1961 or the
21 Criminal Code of 2012, Section 10-102 of the Illinois
22 Alcoholism and Other Drug Dependency Act, Section 40-10 of
23 the Substance Use Disorder Act, or Section 10 of the
24 Steroid Control Act.

25 (8) If the petitioner has been granted a certificate of
26 innocence under Section 2-702 of the Code of Civil

1 Procedure, the court that grants the certificate of
2 innocence shall also enter an order expunging the
3 conviction for which the petitioner has been determined to
4 be innocent as provided in subsection (h) of Section 2-702
5 of the Code of Civil Procedure.

6 (c) Sealing.

7 (1) Applicability. Notwithstanding any other provision
8 of this Act to the contrary, and cumulative with any rights
9 to expungement of criminal records, this subsection
10 authorizes the sealing of criminal records of adults and of
11 minors prosecuted as adults. Subsection (g) of this Section
12 provides for immediate sealing of certain records.

13 (2) Eligible Records. The following records may be
14 sealed:

15 (A) All arrests resulting in release without
16 charging;

17 (B) Arrests or charges not initiated by arrest
18 resulting in acquittal, dismissal, or conviction when
19 the conviction was reversed or vacated, except as
20 excluded by subsection (a) (3) (B);

21 (C) Arrests or charges not initiated by arrest
22 resulting in orders of supervision, including orders
23 of supervision for municipal ordinance violations,
24 successfully completed by the petitioner, unless
25 excluded by subsection (a) (3);

26 (D) Arrests or charges not initiated by arrest

1 resulting in convictions, including convictions on
2 municipal ordinance violations, unless excluded by
3 subsection (a) (3);

4 (E) Arrests or charges not initiated by arrest
5 resulting in orders of first offender probation under
6 Section 10 of the Cannabis Control Act, Section 410 of
7 the Illinois Controlled Substances Act, Section 70 of
8 the Methamphetamine Control and Community Protection
9 Act, or Section 5-6-3.3 of the Unified Code of
10 Corrections; and

11 (F) Arrests or charges not initiated by arrest
12 resulting in felony convictions unless otherwise
13 excluded by subsection (a) paragraph (3) of this
14 Section.

15 (3) When Records Are Eligible to Be Sealed. Records
16 identified as eligible under subsection (c) (2) may be
17 sealed as follows:

18 (A) Records identified as eligible under
19 subsection (c) (2) (A) and (c) (2) (B) may be sealed at any
20 time.

21 (B) Except as otherwise provided in subparagraph
22 (E) of this paragraph (3), records identified as
23 eligible under subsection (c) (2) (C) may be sealed 2
24 years after the termination of petitioner's last
25 sentence (as defined in subsection (a) (1) (F)).

26 (C) Except as otherwise provided in subparagraph

1 (E) of this paragraph (3), records identified as
2 eligible under subsections (c)(2)(D), (c)(2)(E), and
3 (c)(2)(F) may be sealed 3 years after the termination
4 of the petitioner's last sentence (as defined in
5 subsection (a)(1)(F)). Convictions requiring public
6 registration under the Arsonist Registration Act, the
7 Sex Offender Registration Act, or the Murderer and
8 Violent Offender Against Youth Registration Act may
9 not be sealed until the petitioner is no longer
10 required to register under that relevant Act.

11 (D) Records identified in subsection
12 (a)(3)(A)(iii) may be sealed after the petitioner has
13 reached the age of 25 years.

14 (E) Records identified as eligible under
15 subsections (c)(2)(C), (c)(2)(D), (c)(2)(E), or
16 (c)(2)(F) may be sealed upon termination of the
17 petitioner's last sentence if the petitioner earned a
18 high school diploma, associate's degree, career
19 certificate, vocational technical certification, or
20 bachelor's degree, or passed the high school level Test
21 of General Educational Development, during the period
22 of his or her sentence or mandatory supervised release.
23 This subparagraph shall apply only to a petitioner who
24 has not completed the same educational goal prior to
25 the period of his or her sentence or mandatory
26 supervised release. If a petition for sealing eligible

1 records filed under this subparagraph is denied by the
2 court, the time periods under subparagraph (B) or (C)
3 shall apply to any subsequent petition for sealing
4 filed by the petitioner.

5 (4) Subsequent felony convictions. A person may not
6 have subsequent felony conviction records sealed as
7 provided in this subsection (c) if he or she is convicted
8 of any felony offense after the date of the sealing of
9 prior felony convictions as provided in this subsection
10 (c). The court may, upon conviction for a subsequent felony
11 offense, order the unsealing of prior felony conviction
12 records previously ordered sealed by the court.

13 (5) Notice of eligibility for sealing. Upon entry of a
14 disposition for an eligible record under this subsection
15 (c), the petitioner shall be informed by the court of the
16 right to have the records sealed and the procedures for the
17 sealing of the records.

18 (d) Procedure. The following procedures apply to
19 expungement under subsections (b), (e), and (e-6) and sealing
20 under subsections (c) and (e-5):

21 (1) Filing the petition. Upon becoming eligible to
22 petition for the expungement or sealing of records under
23 this Section, the petitioner shall file a petition
24 requesting the expungement or sealing of records with the
25 clerk of the court where the arrests occurred or the
26 charges were brought, or both. If arrests occurred or

1 charges were brought in multiple jurisdictions, a petition
2 must be filed in each such jurisdiction. The petitioner
3 shall pay the applicable fee, except no fee shall be
4 required if the petitioner has obtained a court order
5 waiving fees under Supreme Court Rule 298 or it is
6 otherwise waived.

7 (1.5) County fee waiver pilot program. From August 9,
8 2019 (the effective date of Public Act 101-306) through
9 December 31, 2020, in a county of 3,000,000 or more
10 inhabitants, no fee shall be required to be paid by a
11 petitioner if the records sought to be expunged or sealed
12 were arrests resulting in release without charging or
13 arrests or charges not initiated by arrest resulting in
14 acquittal, dismissal, or conviction when the conviction
15 was reversed or vacated, unless excluded by subsection
16 (a)(3)(B). The provisions of this paragraph (1.5), other
17 than this sentence, are inoperative on and after January 1,
18 2022 ~~2021~~.

19 (2) Contents of petition. The petition shall be
20 verified and shall contain the petitioner's name, date of
21 birth, current address and, for each arrest or charge not
22 initiated by arrest sought to be sealed or expunged, the
23 case number, the date of arrest (if any), the identity of
24 the arresting authority, and such other information as the
25 court may require. During the pendency of the proceeding,
26 the petitioner shall promptly notify the circuit court

1 clerk of any change of his or her address. If the
2 petitioner has received a certificate of eligibility for
3 sealing from the Prisoner Review Board under paragraph (10)
4 of subsection (a) of Section 3-3-2 of the Unified Code of
5 Corrections, the certificate shall be attached to the
6 petition.

7 (3) Drug test. The petitioner must attach to the
8 petition proof that the petitioner has passed a test taken
9 within 30 days before the filing of the petition showing
10 the absence within his or her body of all illegal
11 substances as defined by the Illinois Controlled
12 Substances Act, the Methamphetamine Control and Community
13 Protection Act, and the Cannabis Control Act if he or she
14 is petitioning to:

15 (A) seal felony records under clause (c) (2) (E);

16 (B) seal felony records for a violation of the
17 Illinois Controlled Substances Act, the
18 Methamphetamine Control and Community Protection Act,
19 or the Cannabis Control Act under clause (c) (2) (F);

20 (C) seal felony records under subsection (e-5); or

21 (D) expunge felony records of a qualified
22 probation under clause (b) (1) (iv).

23 (4) Service of petition. The circuit court clerk shall
24 promptly serve a copy of the petition and documentation to
25 support the petition under subsection (e-5) or (e-6) on the
26 State's Attorney or prosecutor charged with the duty of

1 prosecuting the offense, the Department of State Police,
2 the arresting agency and the chief legal officer of the
3 unit of local government effecting the arrest.

4 (5) Objections.

5 (A) Any party entitled to notice of the petition
6 may file an objection to the petition. All objections
7 shall be in writing, shall be filed with the circuit
8 court clerk, and shall state with specificity the basis
9 of the objection. Whenever a person who has been
10 convicted of an offense is granted a pardon by the
11 Governor which specifically authorizes expungement, an
12 objection to the petition may not be filed.

13 (B) Objections to a petition to expunge or seal
14 must be filed within 60 days of the date of service of
15 the petition.

16 (6) Entry of order.

17 (A) The Chief Judge of the circuit wherein the
18 charge was brought, any judge of that circuit
19 designated by the Chief Judge, or in counties of less
20 than 3,000,000 inhabitants, the presiding trial judge
21 at the petitioner's trial, if any, shall rule on the
22 petition to expunge or seal as set forth in this
23 subsection (d) (6).

24 (B) Unless the State's Attorney or prosecutor, the
25 Department of State Police, the arresting agency, or
26 the chief legal officer files an objection to the

1 petition to expunge or seal within 60 days from the
2 date of service of the petition, the court shall enter
3 an order granting or denying the petition.

4 (C) Notwithstanding any other provision of law,
5 the court shall not deny a petition for sealing under
6 this Section because the petitioner has not satisfied
7 an outstanding legal financial obligation established,
8 imposed, or originated by a court, law enforcement
9 agency, or a municipal, State, county, or other unit of
10 local government, including, but not limited to, any
11 cost, assessment, fine, or fee. An outstanding legal
12 financial obligation does not include any court
13 ordered restitution to a victim under Section 5-5-6 of
14 the Unified Code of Corrections, unless the
15 restitution has been converted to a civil judgment.
16 Nothing in this subparagraph (C) waives, rescinds, or
17 abrogates a legal financial obligation or otherwise
18 eliminates or affects the right of the holder of any
19 financial obligation to pursue collection under
20 applicable federal, State, or local law.

21 (7) Hearings. If an objection is filed, the court shall
22 set a date for a hearing and notify the petitioner and all
23 parties entitled to notice of the petition of the hearing
24 date at least 30 days prior to the hearing. Prior to the
25 hearing, the State's Attorney shall consult with the
26 Department as to the appropriateness of the relief sought

1 in the petition to expunge or seal. At the hearing, the
2 court shall hear evidence on whether the petition should or
3 should not be granted, and shall grant or deny the petition
4 to expunge or seal the records based on the evidence
5 presented at the hearing. The court may consider the
6 following:

7 (A) the strength of the evidence supporting the
8 defendant's conviction;

9 (B) the reasons for retention of the conviction
10 records by the State;

11 (C) the petitioner's age, criminal record history,
12 and employment history;

13 (D) the period of time between the petitioner's
14 arrest on the charge resulting in the conviction and
15 the filing of the petition under this Section; and

16 (E) the specific adverse consequences the
17 petitioner may be subject to if the petition is denied.

18 (8) Service of order. After entering an order to
19 expunge or seal records, the court must provide copies of
20 the order to the Department, in a form and manner
21 prescribed by the Department, to the petitioner, to the
22 State's Attorney or prosecutor charged with the duty of
23 prosecuting the offense, to the arresting agency, to the
24 chief legal officer of the unit of local government
25 effecting the arrest, and to such other criminal justice
26 agencies as may be ordered by the court.

1 (9) Implementation of order.

2 (A) Upon entry of an order to expunge records
3 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

4 (i) the records shall be expunged (as defined
5 in subsection (a) (1) (E)) by the arresting agency,
6 the Department, and any other agency as ordered by
7 the court, within 60 days of the date of service of
8 the order, unless a motion to vacate, modify, or
9 reconsider the order is filed pursuant to
10 paragraph (12) of subsection (d) of this Section;

11 (ii) the records of the circuit court clerk
12 shall be impounded until further order of the court
13 upon good cause shown and the name of the
14 petitioner obliterated on the official index
15 required to be kept by the circuit court clerk
16 under Section 16 of the Clerks of Courts Act, but
17 the order shall not affect any index issued by the
18 circuit court clerk before the entry of the order;
19 and

20 (iii) in response to an inquiry for expunged
21 records, the court, the Department, or the agency
22 receiving such inquiry, shall reply as it does in
23 response to inquiries when no records ever
24 existed.

25 (B) Upon entry of an order to expunge records
26 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

1 (i) the records shall be expunged (as defined
2 in subsection (a)(1)(E)) by the arresting agency
3 and any other agency as ordered by the court,
4 within 60 days of the date of service of the order,
5 unless a motion to vacate, modify, or reconsider
6 the order is filed pursuant to paragraph (12) of
7 subsection (d) of this Section;

8 (ii) the records of the circuit court clerk
9 shall be impounded until further order of the court
10 upon good cause shown and the name of the
11 petitioner obliterated on the official index
12 required to be kept by the circuit court clerk
13 under Section 16 of the Clerks of Courts Act, but
14 the order shall not affect any index issued by the
15 circuit court clerk before the entry of the order;

16 (iii) the records shall be impounded by the
17 Department within 60 days of the date of service of
18 the order as ordered by the court, unless a motion
19 to vacate, modify, or reconsider the order is filed
20 pursuant to paragraph (12) of subsection (d) of
21 this Section;

22 (iv) records impounded by the Department may
23 be disseminated by the Department only as required
24 by law or to the arresting authority, the State's
25 Attorney, and the court upon a later arrest for the
26 same or a similar offense or for the purpose of

1 sentencing for any subsequent felony, and to the
2 Department of Corrections upon conviction for any
3 offense; and

4 (v) in response to an inquiry for such records
5 from anyone not authorized by law to access such
6 records, the court, the Department, or the agency
7 receiving such inquiry shall reply as it does in
8 response to inquiries when no records ever
9 existed.

10 (B-5) Upon entry of an order to expunge records
11 under subsection (e-6):

12 (i) the records shall be expunged (as defined
13 in subsection (a)(1)(E)) by the arresting agency
14 and any other agency as ordered by the court,
15 within 60 days of the date of service of the order,
16 unless a motion to vacate, modify, or reconsider
17 the order is filed under paragraph (12) of
18 subsection (d) of this Section;

19 (ii) the records of the circuit court clerk
20 shall be impounded until further order of the court
21 upon good cause shown and the name of the
22 petitioner obliterated on the official index
23 required to be kept by the circuit court clerk
24 under Section 16 of the Clerks of Courts Act, but
25 the order shall not affect any index issued by the
26 circuit court clerk before the entry of the order;

1 (iii) the records shall be impounded by the
2 Department within 60 days of the date of service of
3 the order as ordered by the court, unless a motion
4 to vacate, modify, or reconsider the order is filed
5 under paragraph (12) of subsection (d) of this
6 Section;

7 (iv) records impounded by the Department may
8 be disseminated by the Department only as required
9 by law or to the arresting authority, the State's
10 Attorney, and the court upon a later arrest for the
11 same or a similar offense or for the purpose of
12 sentencing for any subsequent felony, and to the
13 Department of Corrections upon conviction for any
14 offense; and

15 (v) in response to an inquiry for these records
16 from anyone not authorized by law to access the
17 records, the court, the Department, or the agency
18 receiving the inquiry shall reply as it does in
19 response to inquiries when no records ever
20 existed.

21 (C) Upon entry of an order to seal records under
22 subsection (c), the arresting agency, any other agency
23 as ordered by the court, the Department, and the court
24 shall seal the records (as defined in subsection
25 (a) (1) (K)). In response to an inquiry for such records,
26 from anyone not authorized by law to access such

1 records, the court, the Department, or the agency
2 receiving such inquiry shall reply as it does in
3 response to inquiries when no records ever existed.

4 (D) The Department shall send written notice to the
5 petitioner of its compliance with each order to expunge
6 or seal records within 60 days of the date of service
7 of that order or, if a motion to vacate, modify, or
8 reconsider is filed, within 60 days of service of the
9 order resolving the motion, if that order requires the
10 Department to expunge or seal records. In the event of
11 an appeal from the circuit court order, the Department
12 shall send written notice to the petitioner of its
13 compliance with an Appellate Court or Supreme Court
14 judgment to expunge or seal records within 60 days of
15 the issuance of the court's mandate. The notice is not
16 required while any motion to vacate, modify, or
17 reconsider, or any appeal or petition for
18 discretionary appellate review, is pending.

19 (E) Upon motion, the court may order that a sealed
20 judgment or other court record necessary to
21 demonstrate the amount of any legal financial
22 obligation due and owing be made available for the
23 limited purpose of collecting any legal financial
24 obligations owed by the petitioner that were
25 established, imposed, or originated in the criminal
26 proceeding for which those records have been sealed.

1 The records made available under this subparagraph (E)
2 shall not be entered into the official index required
3 to be kept by the circuit court clerk under Section 16
4 of the Clerks of Courts Act and shall be immediately
5 re-impounded upon the collection of the outstanding
6 financial obligations.

7 (F) Notwithstanding any other provision of this
8 Section, a circuit court clerk may access a sealed
9 record for the limited purpose of collecting payment
10 for any legal financial obligations that were
11 established, imposed, or originated in the criminal
12 proceedings for which those records have been sealed.

13 (10) Fees. The Department may charge the petitioner a
14 fee equivalent to the cost of processing any order to
15 expunge or seal records. Notwithstanding any provision of
16 the Clerks of Courts Act to the contrary, the circuit court
17 clerk may charge a fee equivalent to the cost associated
18 with the sealing or expungement of records by the circuit
19 court clerk. From the total filing fee collected for the
20 petition to seal or expunge, the circuit court clerk shall
21 deposit \$10 into the Circuit Court Clerk Operation and
22 Administrative Fund, to be used to offset the costs
23 incurred by the circuit court clerk in performing the
24 additional duties required to serve the petition to seal or
25 expunge on all parties. The circuit court clerk shall
26 collect and forward the Department of State Police portion

1 of the fee to the Department and it shall be deposited in
2 the State Police Services Fund. If the record brought under
3 an expungement petition was previously sealed under this
4 Section, the fee for the expungement petition for that same
5 record shall be waived.

6 (11) Final Order. No court order issued under the
7 expungement or sealing provisions of this Section shall
8 become final for purposes of appeal until 30 days after
9 service of the order on the petitioner and all parties
10 entitled to notice of the petition.

11 (12) Motion to Vacate, Modify, or Reconsider. Under
12 Section 2-1203 of the Code of Civil Procedure, the
13 petitioner or any party entitled to notice may file a
14 motion to vacate, modify, or reconsider the order granting
15 or denying the petition to expunge or seal within 60 days
16 of service of the order. If filed more than 60 days after
17 service of the order, a petition to vacate, modify, or
18 reconsider shall comply with subsection (c) of Section
19 2-1401 of the Code of Civil Procedure. Upon filing of a
20 motion to vacate, modify, or reconsider, notice of the
21 motion shall be served upon the petitioner and all parties
22 entitled to notice of the petition.

23 (13) Effect of Order. An order granting a petition
24 under the expungement or sealing provisions of this Section
25 shall not be considered void because it fails to comply
26 with the provisions of this Section or because of any error

1 asserted in a motion to vacate, modify, or reconsider. The
2 circuit court retains jurisdiction to determine whether
3 the order is voidable and to vacate, modify, or reconsider
4 its terms based on a motion filed under paragraph (12) of
5 this subsection (d).

6 (14) Compliance with Order Granting Petition to Seal
7 Records. Unless a court has entered a stay of an order
8 granting a petition to seal, all parties entitled to notice
9 of the petition must fully comply with the terms of the
10 order within 60 days of service of the order even if a
11 party is seeking relief from the order through a motion
12 filed under paragraph (12) of this subsection (d) or is
13 appealing the order.

14 (15) Compliance with Order Granting Petition to
15 Expunge Records. While a party is seeking relief from the
16 order granting the petition to expunge through a motion
17 filed under paragraph (12) of this subsection (d) or is
18 appealing the order, and unless a court has entered a stay
19 of that order, the parties entitled to notice of the
20 petition must seal, but need not expunge, the records until
21 there is a final order on the motion for relief or, in the
22 case of an appeal, the issuance of that court's mandate.

23 (16) The changes to this subsection (d) made by Public
24 Act 98-163 apply to all petitions pending on August 5, 2013
25 (the effective date of Public Act 98-163) and to all orders
26 ruling on a petition to expunge or seal on or after August

1 5, 2013 (the effective date of Public Act 98-163).

2 (e) Whenever a person who has been convicted of an offense
3 is granted a pardon by the Governor which specifically
4 authorizes expungement, he or she may, upon verified petition
5 to the Chief Judge of the circuit where the person had been
6 convicted, any judge of the circuit designated by the Chief
7 Judge, or in counties of less than 3,000,000 inhabitants, the
8 presiding trial judge at the defendant's trial, have a court
9 order entered expunging the record of arrest from the official
10 records of the arresting authority and order that the records
11 of the circuit court clerk and the Department be sealed until
12 further order of the court upon good cause shown or as
13 otherwise provided herein, and the name of the defendant
14 obliterated from the official index requested to be kept by the
15 circuit court clerk under Section 16 of the Clerks of Courts
16 Act in connection with the arrest and conviction for the
17 offense for which he or she had been pardoned but the order
18 shall not affect any index issued by the circuit court clerk
19 before the entry of the order. All records sealed by the
20 Department may be disseminated by the Department only to the
21 arresting authority, the State's Attorney, and the court upon a
22 later arrest for the same or similar offense or for the purpose
23 of sentencing for any subsequent felony. Upon conviction for
24 any subsequent offense, the Department of Corrections shall
25 have access to all sealed records of the Department pertaining
26 to that individual. Upon entry of the order of expungement, the

1 circuit court clerk shall promptly mail a copy of the order to
2 the person who was pardoned.

3 (e-5) Whenever a person who has been convicted of an
4 offense is granted a certificate of eligibility for sealing by
5 the Prisoner Review Board which specifically authorizes
6 sealing, he or she may, upon verified petition to the Chief
7 Judge of the circuit where the person had been convicted, any
8 judge of the circuit designated by the Chief Judge, or in
9 counties of less than 3,000,000 inhabitants, the presiding
10 trial judge at the petitioner's trial, have a court order
11 entered sealing the record of arrest from the official records
12 of the arresting authority and order that the records of the
13 circuit court clerk and the Department be sealed until further
14 order of the court upon good cause shown or as otherwise
15 provided herein, and the name of the petitioner obliterated
16 from the official index requested to be kept by the circuit
17 court clerk under Section 16 of the Clerks of Courts Act in
18 connection with the arrest and conviction for the offense for
19 which he or she had been granted the certificate but the order
20 shall not affect any index issued by the circuit court clerk
21 before the entry of the order. All records sealed by the
22 Department may be disseminated by the Department only as
23 required by this Act or to the arresting authority, a law
24 enforcement agency, the State's Attorney, and the court upon a
25 later arrest for the same or similar offense or for the purpose
26 of sentencing for any subsequent felony. Upon conviction for

1 any subsequent offense, the Department of Corrections shall
2 have access to all sealed records of the Department pertaining
3 to that individual. Upon entry of the order of sealing, the
4 circuit court clerk shall promptly mail a copy of the order to
5 the person who was granted the certificate of eligibility for
6 sealing.

7 (e-6) Whenever a person who has been convicted of an
8 offense is granted a certificate of eligibility for expungement
9 by the Prisoner Review Board which specifically authorizes
10 expungement, he or she may, upon verified petition to the Chief
11 Judge of the circuit where the person had been convicted, any
12 judge of the circuit designated by the Chief Judge, or in
13 counties of less than 3,000,000 inhabitants, the presiding
14 trial judge at the petitioner's trial, have a court order
15 entered expunging the record of arrest from the official
16 records of the arresting authority and order that the records
17 of the circuit court clerk and the Department be sealed until
18 further order of the court upon good cause shown or as
19 otherwise provided herein, and the name of the petitioner
20 obliterated from the official index requested to be kept by the
21 circuit court clerk under Section 16 of the Clerks of Courts
22 Act in connection with the arrest and conviction for the
23 offense for which he or she had been granted the certificate
24 but the order shall not affect any index issued by the circuit
25 court clerk before the entry of the order. All records sealed
26 by the Department may be disseminated by the Department only as

1 required by this Act or to the arresting authority, a law
2 enforcement agency, the State's Attorney, and the court upon a
3 later arrest for the same or similar offense or for the purpose
4 of sentencing for any subsequent felony. Upon conviction for
5 any subsequent offense, the Department of Corrections shall
6 have access to all expunged records of the Department
7 pertaining to that individual. Upon entry of the order of
8 expungement, the circuit court clerk shall promptly mail a copy
9 of the order to the person who was granted the certificate of
10 eligibility for expungement.

11 (f) Subject to available funding, the Illinois Department
12 of Corrections shall conduct a study of the impact of sealing,
13 especially on employment and recidivism rates, utilizing a
14 random sample of those who apply for the sealing of their
15 criminal records under Public Act 93-211. At the request of the
16 Illinois Department of Corrections, records of the Illinois
17 Department of Employment Security shall be utilized as
18 appropriate to assist in the study. The study shall not
19 disclose any data in a manner that would allow the
20 identification of any particular individual or employing unit.
21 The study shall be made available to the General Assembly no
22 later than September 1, 2010.

23 (g) Immediate Sealing.

24 (1) Applicability. Notwithstanding any other provision
25 of this Act to the contrary, and cumulative with any rights
26 to expungement or sealing of criminal records, this

1 subsection authorizes the immediate sealing of criminal
2 records of adults and of minors prosecuted as adults.

3 (2) Eligible Records. Arrests or charges not initiated
4 by arrest resulting in acquittal or dismissal with
5 prejudice, except as excluded by subsection (a)(3)(B),
6 that occur on or after January 1, 2018 (the effective date
7 of Public Act 100-282), may be sealed immediately if the
8 petition is filed with the circuit court clerk on the same
9 day and during the same hearing in which the case is
10 disposed.

11 (3) When Records are Eligible to be Immediately Sealed.
12 Eligible records under paragraph (2) of this subsection (g)
13 may be sealed immediately after entry of the final
14 disposition of a case, notwithstanding the disposition of
15 other charges in the same case.

16 (4) Notice of Eligibility for Immediate Sealing. Upon
17 entry of a disposition for an eligible record under this
18 subsection (g), the defendant shall be informed by the
19 court of his or her right to have eligible records
20 immediately sealed and the procedure for the immediate
21 sealing of these records.

22 (5) Procedure. The following procedures apply to
23 immediate sealing under this subsection (g).

24 (A) Filing the Petition. Upon entry of the final
25 disposition of the case, the defendant's attorney may
26 immediately petition the court, on behalf of the

1 defendant, for immediate sealing of eligible records
2 under paragraph (2) of this subsection (g) that are
3 entered on or after January 1, 2018 (the effective date
4 of Public Act 100-282). The immediate sealing petition
5 may be filed with the circuit court clerk during the
6 hearing in which the final disposition of the case is
7 entered. If the defendant's attorney does not file the
8 petition for immediate sealing during the hearing, the
9 defendant may file a petition for sealing at any time
10 as authorized under subsection (c) (3) (A).

11 (B) Contents of Petition. The immediate sealing
12 petition shall be verified and shall contain the
13 petitioner's name, date of birth, current address, and
14 for each eligible record, the case number, the date of
15 arrest if applicable, the identity of the arresting
16 authority if applicable, and other information as the
17 court may require.

18 (C) Drug Test. The petitioner shall not be required
19 to attach proof that he or she has passed a drug test.

20 (D) Service of Petition. A copy of the petition
21 shall be served on the State's Attorney in open court.
22 The petitioner shall not be required to serve a copy of
23 the petition on any other agency.

24 (E) Entry of Order. The presiding trial judge shall
25 enter an order granting or denying the petition for
26 immediate sealing during the hearing in which it is

1 filed. Petitions for immediate sealing shall be ruled
2 on in the same hearing in which the final disposition
3 of the case is entered.

4 (F) Hearings. The court shall hear the petition for
5 immediate sealing on the same day and during the same
6 hearing in which the disposition is rendered.

7 (G) Service of Order. An order to immediately seal
8 eligible records shall be served in conformance with
9 subsection (d) (8).

10 (H) Implementation of Order. An order to
11 immediately seal records shall be implemented in
12 conformance with subsections (d) (9) (C) and (d) (9) (D).

13 (I) Fees. The fee imposed by the circuit court
14 clerk and the Department of State Police shall comply
15 with paragraph (1) of subsection (d) of this Section.

16 (J) Final Order. No court order issued under this
17 subsection (g) shall become final for purposes of
18 appeal until 30 days after service of the order on the
19 petitioner and all parties entitled to service of the
20 order in conformance with subsection (d) (8).

21 (K) Motion to Vacate, Modify, or Reconsider. Under
22 Section 2-1203 of the Code of Civil Procedure, the
23 petitioner, State's Attorney, or the Department of
24 State Police may file a motion to vacate, modify, or
25 reconsider the order denying the petition to
26 immediately seal within 60 days of service of the

1 order. If filed more than 60 days after service of the
2 order, a petition to vacate, modify, or reconsider
3 shall comply with subsection (c) of Section 2-1401 of
4 the Code of Civil Procedure.

5 (L) Effect of Order. An order granting an immediate
6 sealing petition shall not be considered void because
7 it fails to comply with the provisions of this Section
8 or because of an error asserted in a motion to vacate,
9 modify, or reconsider. The circuit court retains
10 jurisdiction to determine whether the order is
11 voidable, and to vacate, modify, or reconsider its
12 terms based on a motion filed under subparagraph (L) of
13 this subsection (g).

14 (M) Compliance with Order Granting Petition to
15 Seal Records. Unless a court has entered a stay of an
16 order granting a petition to immediately seal, all
17 parties entitled to service of the order must fully
18 comply with the terms of the order within 60 days of
19 service of the order.

20 (h) Sealing; trafficking victims.

21 (1) A trafficking victim as defined by paragraph (10)
22 of subsection (a) of Section 10-9 of the Criminal Code of
23 2012 shall be eligible to petition for immediate sealing of
24 his or her criminal record upon the completion of his or
25 her last sentence if his or her participation in the
26 underlying offense was a direct result of human trafficking

1 under Section 10-9 of the Criminal Code of 2012 or a severe
2 form of trafficking under the federal Trafficking Victims
3 Protection Act.

4 (2) A petitioner under this subsection (h), in addition
5 to the requirements provided under paragraph (4) of
6 subsection (d) of this Section, shall include in his or her
7 petition a clear and concise statement that: (A) he or she
8 was a victim of human trafficking at the time of the
9 offense; and (B) that his or her participation in the
10 offense was a direct result of human trafficking under
11 Section 10-9 of the Criminal Code of 2012 or a severe form
12 of trafficking under the federal Trafficking Victims
13 Protection Act.

14 (3) If an objection is filed alleging that the
15 petitioner is not entitled to immediate sealing under this
16 subsection (h), the court shall conduct a hearing under
17 paragraph (7) of subsection (d) of this Section and the
18 court shall determine whether the petitioner is entitled to
19 immediate sealing under this subsection (h). A petitioner
20 is eligible for immediate relief under this subsection (h)
21 if he or she shows, by a preponderance of the evidence,
22 that: (A) he or she was a victim of human trafficking at
23 the time of the offense; and (B) that his or her
24 participation in the offense was a direct result of human
25 trafficking under Section 10-9 of the Criminal Code of 2012
26 or a severe form of trafficking under the federal

1 Trafficking Victims Protection Act.

2 (i) Minor Cannabis Offenses under the Cannabis Control Act.

3 (1) Expungement of Arrest Records of Minor Cannabis
4 Offenses.

5 (A) The Department of State Police and all law
6 enforcement agencies within the State shall
7 automatically expunge all criminal history records of
8 an arrest, charge not initiated by arrest, order of
9 supervision, or order of qualified probation for a
10 Minor Cannabis Offense committed prior to June 25, 2019
11 (the effective date of Public Act 101-27) if:

12 (i) One year or more has elapsed since the date
13 of the arrest or law enforcement interaction
14 documented in the records; and

15 (ii) No criminal charges were filed relating
16 to the arrest or law enforcement interaction or
17 criminal charges were filed and subsequently
18 dismissed or vacated or the arrestee was
19 acquitted.

20 (B) If the law enforcement agency is unable to
21 verify satisfaction of condition (ii) in paragraph
22 (A), records that satisfy condition (i) in paragraph
23 (A) shall be automatically expunged.

24 (C) Records shall be expunged by the law
25 enforcement agency under the following timelines:

26 (i) Records created prior to June 25, 2019 (the

1 effective date of Public Act 101-27), but on or
2 after January 1, 2013, shall be automatically
3 expunged prior to January 1, 2021;

4 (ii) Records created prior to January 1, 2013,
5 but on or after January 1, 2000, shall be
6 automatically expunged prior to January 1, 2023;

7 (iii) Records created prior to January 1, 2000
8 shall be automatically expunged prior to January
9 1, 2025.

10 In response to an inquiry for expunged records, the
11 law enforcement agency receiving such inquiry shall
12 reply as it does in response to inquiries when no
13 records ever existed; however, it shall provide a
14 certificate of disposition or confirmation that the
15 record was expunged to the individual whose record was
16 expunged if such a record exists.

17 (D) Nothing in this Section shall be construed to
18 restrict or modify an individual's right to have that
19 individual's records expunged except as otherwise may
20 be provided in this Act, or diminish or abrogate any
21 rights or remedies otherwise available to the
22 individual.

23 (2) Pardons Authorizing Expungement of Minor Cannabis
24 Offenses.

25 (A) Upon June 25, 2019 (the effective date of
26 Public Act 101-27), the Department of State Police

1 shall review all criminal history record information
2 and identify all records that meet all of the following
3 criteria:

4 (i) one or more convictions for a Minor
5 Cannabis Offense;

6 (ii) the conviction identified in paragraph
7 (2) (A) (i) did not include a penalty enhancement
8 under Section 7 of the Cannabis Control Act; and

9 (iii) the conviction identified in paragraph
10 (2) (A) (i) is not associated with a conviction for a
11 violent crime as defined in subsection (c) of
12 Section 3 of the Rights of Crime Victims and
13 Witnesses Act.

14 (B) Within 180 days after June 25, 2019 (the
15 effective date of Public Act 101-27), the Department of
16 State Police shall notify the Prisoner Review Board of
17 all such records that meet the criteria established in
18 paragraph (2) (A).

19 (i) The Prisoner Review Board shall notify the
20 State's Attorney of the county of conviction of
21 each record identified by State Police in
22 paragraph (2) (A) that is classified as a Class 4
23 felony. The State's Attorney may provide a written
24 objection to the Prisoner Review Board on the sole
25 basis that the record identified does not meet the
26 criteria established in paragraph (2) (A). Such an

1 objection must be filed within 60 days or by such
2 later date set by Prisoner Review Board in the
3 notice after the State's Attorney received notice
4 from the Prisoner Review Board.

5 (ii) In response to a written objection from a
6 State's Attorney, the Prisoner Review Board is
7 authorized to conduct a non-public hearing to
8 evaluate the information provided in the
9 objection.

10 (iii) The Prisoner Review Board shall make a
11 confidential and privileged recommendation to the
12 Governor as to whether to grant a pardon
13 authorizing expungement for each of the records
14 identified by the Department of State Police as
15 described in paragraph (2) (A).

16 (C) If an individual has been granted a pardon
17 authorizing expungement as described in this Section,
18 the Prisoner Review Board, through the Attorney
19 General, shall file a petition for expungement with the
20 Chief Judge of the circuit or any judge of the circuit
21 designated by the Chief Judge where the individual had
22 been convicted. Such petition may include more than one
23 individual. Whenever an individual who has been
24 convicted of an offense is granted a pardon by the
25 Governor that specifically authorizes expungement, an
26 objection to the petition may not be filed. Petitions

1 to expunge under this subsection (i) may include more
2 than one individual. Within 90 days of the filing of
3 such a petition, the court shall enter an order
4 expunging the records of arrest from the official
5 records of the arresting authority and order that the
6 records of the circuit court clerk and the Department
7 of State Police be expunged and the name of the
8 defendant obliterated from the official index
9 requested to be kept by the circuit court clerk under
10 Section 16 of the Clerks of Courts Act in connection
11 with the arrest and conviction for the offense for
12 which the individual had received a pardon but the
13 order shall not affect any index issued by the circuit
14 court clerk before the entry of the order. Upon entry
15 of the order of expungement, the circuit court clerk
16 shall promptly provide a copy of the order and a
17 certificate of disposition to the individual who was
18 pardoned to the individual's last known address or by
19 electronic means (if available) or otherwise make it
20 available to the individual upon request.

21 (D) Nothing in this Section is intended to diminish
22 or abrogate any rights or remedies otherwise available
23 to the individual.

24 (3) Any individual may file a motion to vacate and
25 expunge a conviction for a misdemeanor or Class 4 felony
26 violation of Section 4 or Section 5 of the Cannabis Control

1 Act. Motions to vacate and expunge under this subsection
2 (i) may be filed with the circuit court, Chief Judge of a
3 judicial circuit or any judge of the circuit designated by
4 the Chief Judge. The circuit court clerk shall promptly
5 serve a copy of the motion to vacate and expunge, and any
6 supporting documentation, on the State's Attorney or
7 prosecutor charged with the duty of prosecuting the
8 offense. When considering such a motion to vacate and
9 expunge, a court shall consider the following: the reasons
10 to retain the records provided by law enforcement, the
11 petitioner's age, the petitioner's age at the time of
12 offense, the time since the conviction, and the specific
13 adverse consequences if denied. An individual may file such
14 a petition after the completion of any non-financial
15 sentence or non-financial condition imposed by the
16 conviction. Within 60 days of the filing of such motion, a
17 State's Attorney may file an objection to such a petition
18 along with supporting evidence. If a motion to vacate and
19 expunge is granted, the records shall be expunged in
20 accordance with subparagraphs (d)(8) and (d)(9)(A) of this
21 Section. An agency providing civil legal aid, as defined by
22 Section 15 of the Public Interest Attorney Assistance Act,
23 assisting individuals seeking to file a motion to vacate
24 and expunge under this subsection may file motions to
25 vacate and expunge with the Chief Judge of a judicial
26 circuit or any judge of the circuit designated by the Chief

1 Judge, and the motion may include more than one individual.
2 Motions filed by an agency providing civil legal aid
3 concerning more than one individual may be prepared,
4 presented, and signed electronically.

5 (4) Any State's Attorney may file a motion to vacate
6 and expunge a conviction for a misdemeanor or Class 4
7 felony violation of Section 4 or Section 5 of the Cannabis
8 Control Act. Motions to vacate and expunge under this
9 subsection (i) may be filed with the circuit court, Chief
10 Judge of a judicial circuit or any judge of the circuit
11 designated by the Chief Judge, and may include more than
12 one individual. Motions filed by a State's Attorney
13 concerning more than one individual may be prepared,
14 presented, and signed electronically. When considering
15 such a motion to vacate and expunge, a court shall consider
16 the following: the reasons to retain the records provided
17 by law enforcement, the individual's age, the individual's
18 age at the time of offense, the time since the conviction,
19 and the specific adverse consequences if denied. Upon entry
20 of an order granting a motion to vacate and expunge records
21 pursuant to this Section, the State's Attorney shall notify
22 the Prisoner Review Board within 30 days. Upon entry of the
23 order of expungement, the circuit court clerk shall
24 promptly provide a copy of the order and a certificate of
25 disposition to the individual whose records will be
26 expunged to the individual's last known address or by

1 electronic means (if available) or otherwise make
2 available to the individual upon request. If a motion to
3 vacate and expunge is granted, the records shall be
4 expunged in accordance with subparagraphs (d)(8) and
5 (d)(9)(A) of this Section.

6 (5) In the public interest, the State's Attorney of a
7 county has standing to file motions to vacate and expunge
8 pursuant to this Section in the circuit court with
9 jurisdiction over the underlying conviction.

10 (6) If a person is arrested for a Minor Cannabis
11 Offense as defined in this Section before June 25, 2019
12 (the effective date of Public Act 101-27) and the person's
13 case is still pending but a sentence has not been imposed,
14 the person may petition the court in which the charges are
15 pending for an order to summarily dismiss those charges
16 against him or her, and expunge all official records of his
17 or her arrest, plea, trial, conviction, incarceration,
18 supervision, or expungement. If the court determines, upon
19 review, that: (A) the person was arrested before June 25,
20 2019 (the effective date of Public Act 101-27) for an
21 offense that has been made eligible for expungement; (B)
22 the case is pending at the time; and (C) the person has not
23 been sentenced of the minor cannabis violation eligible for
24 expungement under this subsection, the court shall
25 consider the following: the reasons to retain the records
26 provided by law enforcement, the petitioner's age, the

1 petitioner's age at the time of offense, the time since the
2 conviction, and the specific adverse consequences if
3 denied. If a motion to dismiss and expunge is granted, the
4 records shall be expunged in accordance with subparagraph
5 (d) (9) (A) of this Section.

6 (7) A person imprisoned solely as a result of one or
7 more convictions for Minor Cannabis Offenses under this
8 subsection (i) shall be released from incarceration upon
9 the issuance of an order under this subsection.

10 (8) The Department of State Police shall allow a person
11 to use the access and review process, established in the
12 Department of State Police, for verifying that his or her
13 records relating to Minor Cannabis Offenses of the Cannabis
14 Control Act eligible under this Section have been expunged.

15 (9) No conviction vacated pursuant to this Section
16 shall serve as the basis for damages for time unjustly
17 served as provided in the Court of Claims Act.

18 (10) Effect of Expungement. A person's right to expunge
19 an expungeable offense shall not be limited under this
20 Section. The effect of an order of expungement shall be to
21 restore the person to the status he or she occupied before
22 the arrest, charge, or conviction.

23 (11) Information. The Department of State Police shall
24 post general information on its website about the
25 expungement process described in this subsection (i).

26 (Source: P.A. 100-201, eff. 8-18-17; 100-282, eff. 1-1-18;

1 100-284, eff. 8-24-17; 100-287, eff. 8-24-17; 100-692, eff.
2 8-3-18; 100-759, eff. 1-1-19; 100-776, eff. 8-10-18; 100-863,
3 eff. 8-14-18; 101-27, eff. 6-25-19; 101-81, eff. 7-12-19;
4 101-159, eff. 1-1-20; 101-306, eff. 8-9-19; 101-593, eff.
5 12-4-19.)

6 Section 20. The Criminal Diversion Racial Impact Data
7 Collection Act is amended by changing Section 20 as follows:

8 (20 ILCS 2637/20)

9 (Section scheduled to be repealed on December 31, 2020)

10 Sec. 20. Repeal. This Act is repealed on December 31, 2021
11 ~~2020~~.

12 (Source: P.A. 99-666, eff. 1-1-17.)

13 Section 23. The Illinois Holocaust and Genocide Commission
14 Act is amended by changing Section 95 as follows:

15 (20 ILCS 5010/95)

16 (Section scheduled to be repealed on January 1, 2021)

17 Sec. 95. Repeal. This Act is repealed on January 1, 2022
18 ~~2021~~.

19 (Source: P.A. 96-1063, eff. 1-1-11.)

20 Section 25. The Language Access to Government Services Task
21 Force Act is amended by changing Section 25 as follows:

1 (20 ILCS 5095/25)

2 (Section scheduled to be repealed on July 1, 2020)

3 Sec. 25. Repeal. This Act is repealed on July 1, 2021 ~~2020~~.

4 (Source: P.A. 100-320, eff. 8-24-17; 100-1145, eff. 12-10-18.)

5 Section 30. The Protection of Individuals with
6 Disabilities in the Criminal Justice System Task Force Act of
7 2019 is amended by changing Section 20 as follows:

8 (20 ILCS 5150/20)

9 (Section scheduled to be repealed on January 1, 2022)

10 Sec. 20. Report. The Task Force shall submit a report with
11 its findings and recommendations to the Governor, the Attorney
12 General, and to the General Assembly on or before September 30,
13 2021 ~~2020~~.

14 (Source: P.A. 101-391, eff. 8-16-19.)

15 Section 35. The State Finance Act is amended by changing
16 Sections 5.857 and 6z-100 as follows:

17 (30 ILCS 105/5.857)

18 (Section scheduled to be repealed on July 1, 2020)

19 Sec. 5.857. The Capital Development Board Revolving Fund.
20 This Section is repealed July 1, 2021 ~~2020~~.

21 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;

1 101-10, eff. 6-5-19.)

2 (30 ILCS 105/6z-100)

3 (Section scheduled to be repealed on July 1, 2020)

4 Sec. 6z-100. Capital Development Board Revolving Fund;
5 payments into and use. All monies received by the Capital
6 Development Board for publications or copies issued by the
7 Board, and all monies received for contract administration
8 fees, charges, or reimbursements owing to the Board shall be
9 deposited into a special fund known as the Capital Development
10 Board Revolving Fund, which is hereby created in the State
11 treasury. The monies in this Fund shall be used by the Capital
12 Development Board, as appropriated, for expenditures for
13 personal services, retirement, social security, contractual
14 services, legal services, travel, commodities, printing,
15 equipment, electronic data processing, or telecommunications.
16 Unexpended moneys in the Fund shall not be transferred or
17 allocated by the Comptroller or Treasurer to any other fund,
18 nor shall the Governor authorize the transfer or allocation of
19 those moneys to any other fund. This Section is repealed July
20 1, 2021 ~~2020~~.

21 (Source: P.A. 100-23, eff. 7-6-17; 100-587, eff. 6-4-18;
22 101-10, eff. 6-5-19.)

23 Section 40. The Illinois Procurement Code is amended by
24 changing Sections 1-15.93 and 30-30 as follows:

1 (30 ILCS 500/1-15.93)

2 (Section scheduled to be repealed on January 1, 2021)

3 Sec. 1-15.93. Single prime. "Single prime" means the
4 design-bid-build procurement delivery method for a building
5 construction project in which the Capital Development Board is
6 the construction agency procuring 2 or more subdivisions of
7 work enumerated in paragraphs (1) through (5) of subsection (a)
8 of Section 30-30 of this Code under a single contract. This
9 Section is repealed on January 1, 2022 ~~2021~~.

10 (Source: P.A. 101-369, eff. 12-15-19.)

11 (30 ILCS 500/30-30)

12 Sec. 30-30. Design-bid-build construction.

13 (a) The provisions of this subsection are operative through
14 December 31, 2021 ~~2020~~.

15 For building construction contracts in excess of \$250,000,
16 separate specifications may be prepared for all equipment,
17 labor, and materials in connection with the following 5
18 subdivisions of the work to be performed:

19 (1) plumbing;

20 (2) heating, piping, refrigeration, and automatic
21 temperature control systems, including the testing and
22 balancing of those systems;

23 (3) ventilating and distribution systems for
24 conditioned air, including the testing and balancing of

1 those systems;

2 (4) electric wiring; and

3 (5) general contract work.

4 The specifications may be so drawn as to permit separate
5 and independent bidding upon each of the 5 subdivisions of
6 work. All contracts awarded for any part thereof may award the
7 5 subdivisions of work separately to responsible and reliable
8 persons, firms, or corporations engaged in these classes of
9 work. The contracts, at the discretion of the construction
10 agency, may be assigned to the successful bidder on the general
11 contract work or to the successful bidder on the subdivision of
12 work designated by the construction agency before the bidding
13 as the prime subdivision of work, provided that all payments
14 will be made directly to the contractors for the 5 subdivisions
15 of work upon compliance with the conditions of the contract.

16 Beginning on the effective date of this amendatory Act of
17 the 101st General Assembly and through December 31, 2020, for
18 single prime projects: (i) the bid of the successful low bidder
19 shall identify the name of the subcontractor, if any, and the
20 bid proposal costs for each of the 5 subdivisions of work set
21 forth in this Section; (ii) the contract entered into with the
22 successful bidder shall provide that no identified
23 subcontractor may be terminated without the written consent of
24 the Capital Development Board; (iii) the contract shall comply
25 with the disadvantaged business practices of the Business
26 Enterprise for Minorities, Women, and Persons with

1 Disabilities Act and the equal employment practices of Section
2 2-105 of the Illinois Human Rights Act; and (iv) the Capital
3 Development Board shall submit an annual report to the General
4 Assembly and Governor on the bidding, award, and performance of
5 all single prime projects.

6 For building construction projects with a total
7 construction cost valued at \$5,000,000 or less, the Capital
8 Development Board shall not use the single prime procurement
9 delivery method for more than 50% of the total number of
10 projects bid for each fiscal year. Any project with a total
11 construction cost valued greater than \$5,000,000 may be bid
12 using single prime at the discretion of the Executive Director
13 of the Capital Development Board.

14 (b) The provisions of this subsection are operative on and
15 after January 1, 2022 ~~2021~~. For building construction contracts
16 in excess of \$250,000, separate specifications shall be
17 prepared for all equipment, labor, and materials in connection
18 with the following 5 subdivisions of the work to be performed:

19 (1) plumbing;

20 (2) heating, piping, refrigeration, and automatic
21 temperature control systems, including the testing and
22 balancing of those systems;

23 (3) ventilating and distribution systems for
24 conditioned air, including the testing and balancing of
25 those systems;

26 (4) electric wiring; and

1 (5) general contract work.

2 The specifications must be so drawn as to permit separate
3 and independent bidding upon each of the 5 subdivisions of
4 work. All contracts awarded for any part thereof shall award
5 the 5 subdivisions of work separately to responsible and
6 reliable persons, firms, or corporations engaged in these
7 classes of work. The contracts, at the discretion of the
8 construction agency, may be assigned to the successful bidder
9 on the general contract work or to the successful bidder on the
10 subdivision of work designated by the construction agency
11 before the bidding as the prime subdivision of work, provided
12 that all payments will be made directly to the contractors for
13 the 5 subdivisions of work upon compliance with the conditions
14 of the contract.

15 (Source: P.A. 100-391, eff. 8-25-17; 101-369, eff. 12-15-19.)

16 Section 45. The State Property Control Act is amended by
17 changing Section 7.4 as follows:

18 (30 ILCS 605/7.4)

19 Sec. 7.4. James R. Thompson Center.

20 (a) Notwithstanding any other provision of this Act or any
21 other law to the contrary, the administrator is authorized
22 under this Section to dispose of the James R. Thompson Center
23 located in Chicago, Illinois. The administrator may sell the
24 property as provided in subsection (b), and, either as a

1 condition of the sale or thereafter enter into a leaseback or
2 other agreement that directly or indirectly gives the State a
3 right to use, control, and possess the property.

4 (b) The administrator shall dispose of the property using a
5 competitive sealed proposal process that includes, at a
6 minimum, the following:

7 (1) Engagement Prior to Request for Proposal. The
8 administrator may, prior to soliciting requests for
9 proposals, enter into discussions with interested
10 purchasers in order to assess existing market conditions,
11 demands and likely development scenarios provided that no
12 such interested purchasers shall have any role in drafting
13 any request for proposals nor shall any request for
14 proposal be provided to any interested purchaser prior to
15 its general public distribution. The administrator may
16 issue a request for qualifications that requests
17 interested purchasers to provide such information as the
18 administrator reasonably deems necessary in order to
19 evaluate the qualifications of such interested purchasers
20 including the ability of interested purchasers to acquire
21 and develop the property, all as reasonably determined by
22 the administrator.

23 (2) Request for proposals. Proposals to acquire and
24 develop the property shall be solicited through a request
25 for proposals. Such request for proposals shall include
26 such requirements and factors as the administrator shall

1 determine are necessary or advisable with respect to the
2 disposition of the James R. Thompson Center, including
3 soliciting proposals designating a portion of the property
4 after the development or redevelopment thereof in honor of
5 Governor James R. Thompson.

6 (3) Public notice. Public notice of any request for
7 qualification or request for proposals shall be published
8 in the Illinois Procurement Bulletin at least 14 calendar
9 days before the date by which such requests are due. The
10 administrator may advertise the request in any other manner
11 or publication which it reasonably determines may increase
12 the scope and nature of responses to the request. In the
13 event the administrator shall have already identified
14 qualified purchasers pursuant to a request for
15 qualification process as set forth above, notice of the
16 request for proposals may be delivered only to such
17 qualified purchasers.

18 (4) Opening of proposals. Proposals shall be opened
19 publicly on the date, time and location designated in the
20 Illinois Procurement Bulletin, but proposals shall be
21 opened in a manner to avoid disclosure of contents to
22 competing purchasers during the process of negotiation. A
23 record of proposals shall be prepared and shall be open for
24 public inspection after contract award, but prior to
25 contract execution.

26 (5) Evaluation factors. Proposals shall be submitted

1 in 2 parts: (i) items except price, and (ii) covering
2 price. The first part of all proposals shall be evaluated
3 and ranked independently of the second part of all
4 proposals.

5 (6) Discussion with interested purchasers and
6 revisions of offers or proposals. After the opening of the
7 proposals, and under such guidelines as the administrator
8 may elect to establish in the request for proposals, the
9 administrator and his or her designees may engage in
10 discussions with interested purchasers who submitted
11 offers or proposals that the administrator determines are
12 reasonably susceptible of being selected for award for the
13 purpose of clarifying and assuring full understanding of
14 and responsiveness to the solicitation requirements. Those
15 purchasers shall be accorded fair and equal treatment with
16 respect to any opportunity for discussion and revision of
17 proposals. Revisions may be permitted after submission and
18 before award for the purpose of obtaining best and final
19 offers. In conducting discussions there shall be no
20 disclosure of any information derived from proposals
21 submitted by competing purchasers. If information is
22 disclosed to any purchaser, it shall be provided to all
23 competing purchasers.

24 (7) Award. Awards shall be made to the interested
25 purchaser whose proposal is determined in writing to be the
26 most advantageous to the State, taking into consideration

1 price and the evaluation factors set forth in the request
2 for proposals. The contract file shall contain the basis on
3 which the award is made.

4 (b-5) Any contract to dispose of the property is subject to
5 the following conditions:

6 (1) A commitment from the purchaser to make any
7 applicable payments to the City of Chicago with respect to
8 additional zoning density;

9 (2) A commitment from the purchaser to enter into an
10 agreement with the City of Chicago and the Chicago Transit
11 Authority regarding the existing operation of the Chicago
12 Transit Authority facility currently located on the
13 property, substantially similar to the existing agreement
14 between the City of Chicago, the Chicago Transit Authority,
15 and the State of Illinois, and such agreement must be
16 executed prior to assuming title to the property; and

17 (3) A commitment from the purchaser to designate a
18 portion of the property after the development or
19 redevelopment thereof in honor of Governor James R.
20 Thompson.

21 (b-10) The administrator shall have authority to order such
22 surveys, abstracts of title, or commitments for title
23 insurance, environmental reports, property condition reports,
24 or any other materials as the administrator may, in his or her
25 reasonable discretion, be deemed necessary to demonstrate to
26 prospective purchasers or bidders good and marketable title in

1 and the existing conditions or characteristics of the property
2 offered for sale under this Section. All conveyances of
3 property made by the administrator under this Section shall be
4 by quit claim deed.

5 (c) All moneys received from the sale of real property
6 under this Section shall be deposited into the General Revenue
7 Fund, provided that any obligations of the State to the
8 purchaser acquiring the property, a contractor involved in the
9 sale of the property, or a unit of local government may be
10 remitted from the proceeds during the closing process and need
11 not be deposited in the State treasury prior to closing.

12 (d) The administrator is authorized to enter into any
13 agreements and execute any documents necessary to exercise the
14 authority granted by this Section.

15 (e) Any agreement to dispose of the James R. Thompson
16 Center located in Chicago, Illinois pursuant to the authority
17 granted by this Section must be entered into no later than
18 April 5, 2022 ~~2 years after the effective date of this~~
19 ~~amendatory Act of the 100th General Assembly.~~

20 (f) The provisions of this Section are subject to the
21 Freedom of Information Act, and nothing shall be construed to
22 waive the ability of a public body to assert any applicable
23 exemptions.

24 (Source: P.A. 100-1184, eff. 4-5-19.)

25 Section 50. The Illinois Income Tax Act is amended by

1 changing Section 218 as follows:

2 (35 ILCS 5/218)

3 Sec. 218. Credit for student-assistance contributions.

4 (a) For taxable years ending on or after December 31, 2009
5 and on or before December 30, 2021 ~~2020~~, each taxpayer who,
6 during the taxable year, makes a contribution (i) to a
7 specified individual College Savings Pool Account under
8 Section 16.5 of the State Treasurer Act or (ii) to the Illinois
9 Prepaid Tuition Trust Fund in an amount matching a contribution
10 made in the same taxable year by an employee of the taxpayer to
11 that Account or Fund is entitled to a credit against the tax
12 imposed under subsections (a) and (b) of Section 201 in an
13 amount equal to 25% of that matching contribution, but not to
14 exceed \$500 per contributing employee per taxable year.

15 (b) For partners, shareholders of Subchapter S
16 corporations, and owners of limited liability companies, if the
17 liability company is treated as a partnership for purposes of
18 federal and State income taxation, there is allowed a credit
19 under this Section to be determined in accordance with the
20 determination of income and distributive share of income under
21 Sections 702 and 704 and Subchapter S of the Internal Revenue
22 Code.

23 (c) The credit may not be carried back. If the amount of
24 the credit exceeds the tax liability for the year, the excess
25 may be carried forward and applied to the tax liability of the

1 5 taxable years following the excess credit year. The tax
2 credit shall be applied to the earliest year for which there is
3 a tax liability. If there are credits for more than one year
4 that are available to offset a liability, the earlier credit
5 shall be applied first.

6 (d) A taxpayer claiming the credit under this Section must
7 maintain and record any information that the Illinois Student
8 Assistance Commission, the Office of the State Treasurer, or
9 the Department may require regarding the matching contribution
10 for which the credit is claimed.

11 (Source: P.A. 96-198, eff. 8-10-09.)

12 Section 55. The Illinois Pension Code is amended by
13 changing Section 16-118 as follows:

14 (40 ILCS 5/16-118) (from Ch. 108 1/2, par. 16-118)

15 Sec. 16-118. Retirement. "Retirement": Entry upon a
16 retirement annuity or receipt of a single-sum retirement
17 benefit granted under this Article after termination of active
18 service as a teacher.

19 (a) An annuitant receiving a retirement annuity other than
20 a disability retirement annuity may accept employment as a
21 teacher from a school board or other employer specified in
22 Section 16-106 without impairing retirement status, if that
23 employment:

24 (1) is not within the school year during which service

1 was terminated; and

2 (2) does not exceed the following:

3 (i) before July 1, 2001, 100 paid days or 500 paid
4 hours in any school year;

5 (ii) during the period beginning July 1, 2001
6 through June 30, 2011, 120 paid days or 600 paid hours
7 in each school year;

8 (iii) during the period beginning July 1, 2011
9 through June 30, 2018, 100 paid days or 500 paid hours
10 in each school year;

11 (iv) beginning July 1, 2018 through June 30, 2021
12 ~~2020~~, 120 paid days or 600 paid hours in each school
13 year, but not more than 100 paid days in the same
14 classroom; and

15 (v) beginning July 1, 2021 ~~2020~~, 100 paid days or
16 500 paid hours in each school year.

17 Where such permitted employment is partly on a daily and
18 partly on an hourly basis, a day shall be considered as 5
19 hours.

20 (b) Subsection (a) does not apply to an annuitant who
21 returns to teaching under the program established in Section
22 16-150.1, for the duration of his or her participation in that
23 program.

24 (Source: P.A. 100-596, eff. 7-1-18.)

25 Section 60. The Environmental Protection Act is amended by

1 changing Section 28.5 as follows:

2 (415 ILCS 5/28.5)

3 Sec. 28.5. Clean Air Act rules; fast-track.

4 (a) This Section applies through December 31, 2021 ~~2019~~ and
5 applies solely to the adoption of rules proposed by the Agency
6 and required to be adopted by the State under the Clean Air Act
7 as amended by the Clean Air Act Amendments of 1990 (CAAA).

8 (b) For purposes of this Section, a "fast-track" rulemaking
9 proceeding is a proceeding to promulgate a rule that the CAAA
10 requires to be adopted. For the purposes of this Section,
11 "requires to be adopted" refers only to those regulations or
12 parts of regulations for which the United States Environmental
13 Protection Agency is empowered to impose sanctions against the
14 State for failure to adopt such rules. All fast-track rules
15 must be adopted under procedures set forth in this Section,
16 unless another provision of this Act specifies the method for
17 adopting a specific rule.

18 (c) When the CAAA requires rules other than identical in
19 substance rules to be adopted, upon request by the Agency, the
20 Board must adopt rules under fast-track rulemaking
21 requirements.

22 (d) The Agency must submit its fast-track rulemaking
23 proposal in the following form:

24 (1) The Agency must file the rule in a form that meets
25 the requirements of the Illinois Administrative Procedure

1 Act and regulations promulgated thereunder.

2 (2) The cover sheet of the proposal shall prominently
3 state that the rule is being proposed under this Section.

4 (3) The proposal shall clearly identify the provisions
5 and portions of the federal statute, regulations,
6 guidance, policy statement, or other documents upon which
7 the rule is based.

8 (4) The supporting documentation for the rule shall
9 summarize the basis of the rule.

10 (5) The Agency must describe in general the alternative
11 selected and the basis for the alternative.

12 (6) The Agency must file a summary of economic and
13 technical data upon which it relied in drafting the rule.

14 (7) The Agency must provide a list of any documents
15 upon which it directly relied in drafting the rule or upon
16 which it intends to rely at the hearings and must provide
17 such documents to the Board. Additionally, the Agency must
18 make such documents available at an appropriate location
19 for inspection and copying at the expense of the interested
20 party.

21 (8) The Agency must include in its submission a
22 description of the geographical area to which the rule is
23 intended to apply, a description of the process or
24 processes affected, an identification by classes of the
25 entities expected to be affected, and a list of sources
26 expected to be affected by the rule to the extent known to

1 the Agency.

2 (e) Within 14 days of receipt of the proposal, the Board
3 must file the rule for first notice under the Illinois
4 Administrative Procedure Act and must schedule all required
5 hearings on the proposal and cause public notice to be given in
6 accordance with the Illinois Administrative Procedure Act and
7 the CAAA.

8 (f) The Board must set 3 hearings on the proposal, each of
9 which shall be scheduled to continue from day to day, excluding
10 weekends and State and federal holidays, until completed. The
11 Board must require the written submission of all testimony at
12 least 10 days before a hearing, with simultaneous service to
13 all participants of record in the proceeding as of 15 days
14 prior to hearing, unless a waiver is granted by the Board for
15 good cause. In order to further expedite the hearings,
16 presubmitted testimony shall be accepted into the record
17 without the reading of the testimony at hearing, provided that
18 the witness swears to the testimony and is available for
19 questioning, and the Board must make every effort to conduct
20 the proceedings expeditiously and avoid duplication and
21 extraneous material.

22 (1) The first hearing shall be held within 55 days of
23 receipt of the rule and shall be confined to testimony by
24 and questions of the Agency's witnesses concerning the
25 scope, applicability, and basis of the rule. Within 7 days
26 after the first hearing, any person may request that the

1 second hearing be held.

2 (A) If, after the first hearing, the Agency and
3 affected entities are in agreement on the rule, the
4 United States Environmental Protection Agency has not
5 informed the Board of any unresolved objection to the
6 rule, and no other interested party contests the rule
7 or asks for the opportunity to present additional
8 evidence, the Board may cancel the additional
9 hearings. When the Board adopts the final order under
10 these circumstances, it shall be based on the Agency's
11 proposal as agreed to by the parties.

12 (B) If, after the first hearing, the Agency and
13 affected entities are in agreement upon a portion of
14 the rule, the United States Environmental Protection
15 Agency has not informed the Board of any unresolved
16 objections to that agreed portion of the rule, and no
17 other interested party contests that agreed portion of
18 the rule or asks for the opportunity to present
19 additional evidence, the Board must proceed to the
20 second hearing, as provided in paragraph (2) of
21 subsection (g) of this Section, but the hearing shall
22 be limited in scope to the unresolved portion of the
23 proposal. When the Board adopts the final order under
24 these circumstances, it shall be based on such portion
25 of the Agency's proposal as agreed to by the parties.

26 (2) The second hearing shall be scheduled to commence

1 within 30 days of the first day of the first hearing and
2 shall be devoted to presentation of testimony, documents,
3 and comments by affected entities and all other interested
4 parties.

5 (3) The third hearing shall be scheduled to commence
6 within 14 days after the first day of the second hearing
7 and shall be devoted solely to any Agency response to the
8 material submitted at the second hearing and to any
9 response by other parties. The third hearing shall be
10 cancelled if the Agency indicates to the Board that it does
11 not intend to introduce any additional material.

12 (g) In any fast-track rulemaking proceeding, the Board must
13 accept evidence and comments on the economic impact of any
14 provision of the rule and must consider the economic impact of
15 the rule based on the record. The Board may order an economic
16 impact study in a manner that will not prevent adoption of the
17 rule within the time required by subsection (n) of this
18 Section.

19 (h) In all fast-track rulemakings under this Section, the
20 Board must take into account factors set forth in subsection
21 (a) of Section 27 of this Act.

22 (i) The Board must adopt rules in the fast-track rulemaking
23 docket under the requirements of this Section that the CAAA
24 requires to be adopted, and may consider a non-required rule in
25 a second docket that shall proceed under Title VII of this Act.

26 (j) The Board is directed to take whatever measures are

1 available to it to complete fast-track rulemaking as
2 expeditiously as possible consistent with the need for careful
3 consideration. These measures shall include, but not be limited
4 to, having hearings transcribed on an expedited basis.

5 (k) Following the hearings, the Board must close the record
6 14 days after the availability of the transcript.

7 (l) The Board must not revise or otherwise change an Agency
8 fast-track rulemaking proposal without agreement of the Agency
9 until after the end of the hearing and comment period. Any
10 revisions to an Agency proposal shall be based on the record of
11 the proceeding.

12 (m) All rules adopted by the Board under this Section shall
13 be based solely on the record before it.

14 (n) The Board must complete a fast-track rulemaking by
15 adopting a second notice order no later than 130 days after
16 receipt of the proposal if no third hearing is held and no
17 later than 150 days if the third hearing is held. If the order
18 includes a rule, the Illinois Board must file the rule for
19 second notice under the Illinois Administrative Procedure Act
20 within 5 days after adoption of the order.

21 (o) Upon receipt of a statement of no objection to the rule
22 from the Joint Committee on Administrative Rules, the Board
23 must adopt the final order and submit the rule to the Secretary
24 of State for publication and certification within 21 days.

25 (Source: P.A. 99-197, eff. 7-30-15.)

1 Section 65. The Clerks of Courts Act is amended by changing
2 Sections 27.1b and 27.1c as follows:

3 (705 ILCS 105/27.1b)

4 (Section scheduled to be repealed on January 1, 2021)

5 Sec. 27.1b. Circuit court clerk fees. Notwithstanding any
6 other provision of law, all fees charged by the clerks of the
7 circuit court for the services described in this Section shall
8 be established, collected, and disbursed in accordance with
9 this Section. Except as otherwise specified in this Section,
10 all fees under this Section shall be paid in advance and
11 disbursed by each clerk on a monthly basis. In a county with a
12 population of over 3,000,000, units of local government and
13 school districts shall not be required to pay fees under this
14 Section in advance and the clerk shall instead send an itemized
15 bill to the unit of local government or school district, within
16 30 days of the fee being incurred, and the unit of local
17 government or school district shall be allowed at least 30 days
18 from the date of the itemized bill to pay; these payments shall
19 be disbursed by each clerk on a monthly basis. Unless otherwise
20 specified in this Section, the amount of a fee shall be
21 determined by ordinance or resolution of the county board and
22 remitted to the county treasurer to be used for purposes
23 related to the operation of the court system in the county. In
24 a county with population of over 3,000,000, any amount retained
25 by the clerk of the circuit court or remitted to the county

1 treasurer shall be subject to appropriation by the county
2 board.

3 (a) Civil cases. The fee for filing a complaint, petition,
4 or other pleading initiating a civil action shall be as set
5 forth in the applicable schedule under this subsection in
6 accordance with case categories established by the Supreme
7 Court in schedules.

8 (1) SCHEDULE 1: not to exceed a total of \$366 in a
9 county with a population of 3,000,000 or more and not to
10 exceed \$316 in any other county, except as applied to units
11 of local government and school districts in counties with
12 more than 3,000,000 inhabitants an amount not to exceed
13 \$190 through December 31, 2021 and \$184 on and after
14 January 1, 2022. The fees collected under this schedule
15 shall be disbursed as follows:

16 (A) The clerk shall retain a sum, in an amount not
17 to exceed \$55 in a county with a population of
18 3,000,000 or more and in an amount not to exceed \$45 in
19 any other county determined by the clerk with the
20 approval of the Supreme Court, to be used for court
21 automation, court document storage, and administrative
22 purposes.

23 (B) The clerk shall remit up to \$21 to the State
24 Treasurer. The State Treasurer shall deposit the
25 appropriate amounts, in accordance with the clerk's
26 instructions, as follows:

1 (i) up to \$10, as specified by the Supreme
2 Court in accordance with Part 10A of Article II of
3 the Code of Civil Procedure, into the Mandatory
4 Arbitration Fund;

5 (ii) \$2 into the Access to Justice Fund; and

6 (iii) \$9 into the Supreme Court Special
7 Purposes Fund.

8 (C) The clerk shall remit a sum to the County
9 Treasurer, in an amount not to exceed \$290 in a county
10 with a population of 3,000,000 or more and in an amount
11 not to exceed \$250 in any other county, as specified by
12 ordinance or resolution passed by the county board, for
13 purposes related to the operation of the court system
14 in the county.

15 (2) SCHEDULE 2: not to exceed a total of \$357 in a
16 county with a population of 3,000,000 or more and not to
17 exceed \$266 in any other county, except as applied to units
18 of local government and school districts in counties with
19 more than 3,000,000 inhabitants an amount not to exceed
20 \$190 through December 31, 2021 and \$184 on and after
21 January 1, 2022. The fees collected under this schedule
22 shall be disbursed as follows:

23 (A) The clerk shall retain a sum, in an amount not
24 to exceed \$55 in a county with a population of
25 3,000,000 or more and in an amount not to exceed \$45 in
26 any other county determined by the clerk with the

1 approval of the Supreme Court, to be used for court
2 automation, court document storage, and administrative
3 purposes.

4 (B) The clerk shall remit up to \$21 to the State
5 Treasurer. The State Treasurer shall deposit the
6 appropriate amounts, in accordance with the clerk's
7 instructions, as follows:

8 (i) up to \$10, as specified by the Supreme
9 Court in accordance with Part 10A of Article II of
10 the Code of Civil Procedure, into the Mandatory
11 Arbitration Fund;

12 (ii) \$2 into the Access to Justice Fund: and

13 (iii) \$9 into the Supreme Court Special
14 Purposes Fund.

15 (C) The clerk shall remit a sum to the County
16 Treasurer, in an amount not to exceed \$281 in a county
17 with a population of 3,000,000 or more and in an amount
18 not to exceed \$200 in any other county, as specified by
19 ordinance or resolution passed by the county board, for
20 purposes related to the operation of the court system
21 in the county.

22 (3) SCHEDULE 3: not to exceed a total of \$265 in a
23 county with a population of 3,000,000 or more and not to
24 exceed \$89 in any other county, except as applied to units
25 of local government and school districts in counties with
26 more than 3,000,000 inhabitants an amount not to exceed

1 \$190 through December 31, 2021 and \$184 on and after
2 January 1, 2022. The fees collected under this schedule
3 shall be disbursed as follows:

4 (A) The clerk shall retain a sum, in an amount not
5 to exceed \$55 in a county with a population of
6 3,000,000 or more and in an amount not to exceed \$22 in
7 any other county determined by the clerk with the
8 approval of the Supreme Court, to be used for court
9 automation, court document storage, and administrative
10 purposes.

11 (B) The clerk shall remit \$11 to the State
12 Treasurer. The State Treasurer shall deposit the
13 appropriate amounts in accordance with the clerk's
14 instructions, as follows:

15 (i) \$2 into the Access to Justice Fund; and

16 (ii) \$9 into the Supreme Court Special
17 Purposes Fund.

18 (C) The clerk shall remit a sum to the County
19 Treasurer, in an amount not to exceed \$199 in a county
20 with a population of 3,000,000 or more and in an amount
21 not to exceed \$56 in any other county, as specified by
22 ordinance or resolution passed by the county board, for
23 purposes related to the operation of the court system
24 in the county.

25 (4) SCHEDULE 4: \$0.

26 (b) Appearance. The fee for filing an appearance in a civil

1 action, including a cannabis civil law action under the
2 Cannabis Control Act, shall be as set forth in the applicable
3 schedule under this subsection in accordance with case
4 categories established by the Supreme Court in schedules.

5 (1) SCHEDULE 1: not to exceed a total of \$230 in a
6 county with a population of 3,000,000 or more and not to
7 exceed \$191 in any other county, except as applied to units
8 of local government and school districts in counties with
9 more than 3,000,000 inhabitants an amount not to exceed
10 \$75. The fees collected under this schedule shall be
11 disbursed as follows:

12 (A) The clerk shall retain a sum, in an amount not
13 to exceed \$50 in a county with a population of
14 3,000,000 or more and in an amount not to exceed \$45 in
15 any other county determined by the clerk with the
16 approval of the Supreme Court, to be used for court
17 automation, court document storage, and administrative
18 purposes.

19 (B) The clerk shall remit up to \$21 to the State
20 Treasurer. The State Treasurer shall deposit the
21 appropriate amounts, in accordance with the clerk's
22 instructions, as follows:

23 (i) up to \$10, as specified by the Supreme
24 Court in accordance with Part 10A of Article II of
25 the Code of Civil Procedure, into the Mandatory
26 Arbitration Fund;

1 (ii) \$2 into the Access to Justice Fund; and
2 (iii) \$9 into the Supreme Court Special
3 Purposes Fund.

4 (C) The clerk shall remit a sum to the County
5 Treasurer, in an amount not to exceed \$159 in a county
6 with a population of 3,000,000 or more and in an amount
7 not to exceed \$125 in any other county, as specified by
8 ordinance or resolution passed by the county board, for
9 purposes related to the operation of the court system
10 in the county.

11 (2) SCHEDULE 2: not to exceed a total of \$130 in a
12 county with a population of 3,000,000 or more and not to
13 exceed \$109 in any other county, except as applied to units
14 of local government and school districts in counties with
15 more than 3,000,000 inhabitants an amount not to exceed
16 \$75. The fees collected under this schedule shall be
17 disbursed as follows:

18 (A) The clerk shall retain a sum, in an amount not
19 to exceed \$50 in a county with a population of
20 3,000,000 or more and in an amount not to exceed \$10 in
21 any other county determined by the clerk with the
22 approval of the Supreme Court, to be used for court
23 automation, court document storage, and administrative
24 purposes.

25 (B) The clerk shall remit \$9 to the State
26 Treasurer, which the State Treasurer shall deposit

1 into the Supreme Court Special Purpose Fund.

2 (C) The clerk shall remit a sum to the County
3 Treasurer, in an amount not to exceed \$71 in a county
4 with a population of 3,000,000 or more and in an amount
5 not to exceed \$90 in any other county, as specified by
6 ordinance or resolution passed by the county board, for
7 purposes related to the operation of the court system
8 in the county.

9 (3) SCHEDULE 3: \$0.

10 (b-5) Kane County and Will County. In Kane County and Will
11 County civil cases, there is an additional fee of up to \$30 as
12 set by the county board under Section 5-1101.3 of the Counties
13 Code to be paid by each party at the time of filing the first
14 pleading, paper, or other appearance; provided that no
15 additional fee shall be required if more than one party is
16 represented in a single pleading, paper, or other appearance.
17 Distribution of fees collected under this subsection (b-5)
18 shall be as provided in Section 5-1101.3 of the Counties Code.

19 (c) Counterclaim or third party complaint. When any
20 defendant files a counterclaim or third party complaint, as
21 part of the defendant's answer or otherwise, the defendant
22 shall pay a filing fee for each counterclaim or third party
23 complaint in an amount equal to the filing fee the defendant
24 would have had to pay had the defendant brought a separate
25 action for the relief sought in the counterclaim or third party
26 complaint, less the amount of the appearance fee, if any, that

1 the defendant has already paid in the action in which the
2 counterclaim or third party complaint is filed.

3 (d) Alias summons. The clerk shall collect a fee not to
4 exceed \$6 in a county with a population of 3,000,000 or more
5 and not to exceed \$5 in any other county for each alias summons
6 or citation issued by the clerk, except as applied to units of
7 local government and school districts in counties with more
8 than 3,000,000 inhabitants an amount not to exceed \$5 for each
9 alias summons or citation issued by the clerk.

10 (e) Jury services. The clerk shall collect, in addition to
11 other fees allowed by law, a sum not to exceed \$212.50, as a
12 fee for the services of a jury in every civil action not
13 quasi-criminal in its nature and not a proceeding for the
14 exercise of the right of eminent domain and in every other
15 action wherein the right of trial by jury is or may be given by
16 law. The jury fee shall be paid by the party demanding a jury
17 at the time of filing the jury demand. If the fee is not paid by
18 either party, no jury shall be called in the action or
19 proceeding, and the action or proceeding shall be tried by the
20 court without a jury.

21 (f) Change of venue. In connection with a change of venue:

22 (1) The clerk of the jurisdiction from which the case
23 is transferred may charge a fee, not to exceed \$40, for the
24 preparation and certification of the record; and

25 (2) The clerk of the jurisdiction to which the case is
26 transferred may charge the same filing fee as if it were

1 the commencement of a new suit.

2 (g) Petition to vacate or modify.

3 (1) In a proceeding involving a petition to vacate or
4 modify any final judgment or order filed within 30 days
5 after the judgment or order was entered, except for an
6 eviction case, small claims case, petition to reopen an
7 estate, petition to modify, terminate, or enforce a
8 judgment or order for child or spousal support, or petition
9 to modify, suspend, or terminate an order for withholding,
10 the fee shall not exceed \$60 in a county with a population
11 of 3,000,000 or more and shall not exceed \$50 in any other
12 county, except as applied to units of local government and
13 school districts in counties with more than 3,000,000
14 inhabitants an amount not to exceed \$50.

15 (2) In a proceeding involving a petition to vacate or
16 modify any final judgment or order filed more than 30 days
17 after the judgment or order was entered, except for a
18 petition to modify, terminate, or enforce a judgment or
19 order for child or spousal support, or petition to modify,
20 suspend, or terminate an order for withholding, the fee
21 shall not exceed \$75.

22 (3) In a proceeding involving a motion to vacate or
23 amend a final order, motion to vacate an ex parte judgment,
24 judgment of forfeiture, or "failure to appear" or "failure
25 to comply" notices sent to the Secretary of State, the fee
26 shall equal \$40.

1 (h) Appeals preparation. The fee for preparation of a
2 record on appeal shall be based on the number of pages, as
3 follows:

4 (1) if the record contains no more than 100 pages, the
5 fee shall not exceed \$70 in a county with a population of
6 3,000,000 or more and shall not exceed \$50 in any other
7 county;

8 (2) if the record contains between 100 and 200 pages,
9 the fee shall not exceed \$100; and

10 (3) if the record contains 200 or more pages, the clerk
11 may collect an additional fee not to exceed 25 cents per
12 page.

13 (i) Remands. In any cases remanded to the circuit court
14 from the Supreme Court or the appellate court for a new trial,
15 the clerk shall reinstate the case with either its original
16 number or a new number. The clerk shall not charge any new or
17 additional fee for the reinstatement. Upon reinstatement, the
18 clerk shall advise the parties of the reinstatement. Parties
19 shall have the same right to a jury trial on remand and
20 reinstatement that they had before the appeal, and no
21 additional or new fee or charge shall be made for a jury trial
22 after remand.

23 (j) Garnishment, wage deduction, and citation. In
24 garnishment affidavit, wage deduction affidavit, and citation
25 petition proceedings:

26 (1) if the amount in controversy in the proceeding is

1 not more than \$1,000, the fee may not exceed \$35 in a
2 county with a population of 3,000,000 or more and may not
3 exceed \$15 in any other county, except as applied to units
4 of local government and school districts in counties with
5 more than 3,000,000 inhabitants an amount not to exceed
6 \$15;

7 (2) if the amount in controversy in the proceeding is
8 greater than \$1,000 and not more than \$5,000, the fee may
9 not exceed \$45 in a county with a population of 3,000,000
10 or more and may not exceed \$30 in any other county, except
11 as applied to units of local government and school
12 districts in counties with more than 3,000,000 inhabitants
13 an amount not to exceed \$30; and

14 (3) if the amount in controversy in the proceeding is
15 greater than \$5,000, the fee may not exceed \$65 in a county
16 with a population of 3,000,000 or more and may not exceed
17 \$50 in any other county, except as applied to units of
18 local government and school districts in counties with more
19 than 3,000,000 inhabitants an amount not to exceed \$50.

20 (j-5) Debt collection. In any proceeding to collect a debt
21 subject to the exception in item (ii) of subparagraph (A-5) of
22 paragraph (1) of subsection (z) of this Section, the circuit
23 court shall order and the clerk shall collect from each
24 judgment debtor a fee of:

25 (1) \$35 if the amount in controversy in the proceeding
26 is not more than \$1,000;

1 (2) \$45 if the amount in controversy in the proceeding
2 is greater than \$1,000 and not more than \$5,000; and

3 (3) \$65 if the amount in controversy in the proceeding
4 is greater than \$5,000.

5 (k) Collections.

6 (1) For all collections made of others, except the
7 State and county and except in maintenance or child support
8 cases, the clerk may collect a fee of up to 2.5% of the
9 amount collected and turned over.

10 (2) In child support and maintenance cases, the clerk
11 may collect an annual fee of up to \$36 from the person
12 making payment for maintaining child support records and
13 the processing of support orders to the State of Illinois
14 KIDS system and the recording of payments issued by the
15 State Disbursement Unit for the official record of the
16 Court. This fee is in addition to and separate from amounts
17 ordered to be paid as maintenance or child support and
18 shall be deposited into a Separate Maintenance and Child
19 Support Collection Fund, of which the clerk shall be the
20 custodian, ex officio, to be used by the clerk to maintain
21 child support orders and record all payments issued by the
22 State Disbursement Unit for the official record of the
23 Court. The clerk may recover from the person making the
24 maintenance or child support payment any additional cost
25 incurred in the collection of this annual fee.

26 (3) The clerk may collect a fee of \$5 for

1 certifications made to the Secretary of State as provided
2 in Section 7-703 of the Illinois Vehicle Code, and this fee
3 shall be deposited into the Separate Maintenance and Child
4 Support Collection Fund.

5 (4) In proceedings to foreclose the lien of delinquent
6 real estate taxes, State's Attorneys shall receive a fee of
7 10% of the total amount realized from the sale of real
8 estate sold in the proceedings. The clerk shall collect the
9 fee from the total amount realized from the sale of the
10 real estate sold in the proceedings and remit to the County
11 Treasurer to be credited to the earnings of the Office of
12 the State's Attorney.

13 (1) Mailing. The fee for the clerk mailing documents shall
14 not exceed \$10 plus the cost of postage.

15 (m) Certified copies. The fee for each certified copy of a
16 judgment, after the first copy, shall not exceed \$10.

17 (n) Certification, authentication, and reproduction.

18 (1) The fee for each certification or authentication
19 for taking the acknowledgment of a deed or other instrument
20 in writing with the seal of office shall not exceed \$6.

21 (2) The fee for reproduction of any document contained
22 in the clerk's files shall not exceed:

23 (A) \$2 for the first page;

24 (B) 50 cents per page for the next 19 pages; and

25 (C) 25 cents per page for all additional pages.

26 (o) Record search. For each record search, within a

1 division or municipal district, the clerk may collect a search
2 fee not to exceed \$6 for each year searched.

3 (p) Hard copy. For each page of hard copy print output,
4 when case records are maintained on an automated medium, the
5 clerk may collect a fee not to exceed \$10 in a county with a
6 population of 3,000,000 or more and not to exceed \$6 in any
7 other county, except as applied to units of local government
8 and school districts in counties with more than 3,000,000
9 inhabitants an amount not to exceed \$6.

10 (q) Index inquiry and other records. No fee shall be
11 charged for a single plaintiff and defendant index inquiry or
12 single case record inquiry when this request is made in person
13 and the records are maintained in a current automated medium,
14 and when no hard copy print output is requested. The fees to be
15 charged for management records, multiple case records, and
16 multiple journal records may be specified by the Chief Judge
17 pursuant to the guidelines for access and dissemination of
18 information approved by the Supreme Court.

19 (r) Performing a marriage. There shall be a \$10 fee for
20 performing a marriage in court.

21 (s) Voluntary assignment. For filing each deed of voluntary
22 assignment, the clerk shall collect a fee not to exceed \$20.
23 For recording a deed of voluntary assignment, the clerk shall
24 collect a fee not to exceed 50 cents for each 100 words.
25 Exceptions filed to claims presented to an assignee of a debtor
26 who has made a voluntary assignment for the benefit of

1 creditors shall be considered and treated, for the purpose of
2 taxing costs therein, as actions in which the party or parties
3 filing the exceptions shall be considered as party or parties
4 plaintiff, and the claimant or claimants as party or parties
5 defendant, and those parties respectively shall pay to the
6 clerk the same fees as provided by this Section to be paid in
7 other actions.

8 (t) Expungement petition. The clerk may collect a fee not
9 to exceed \$60 for each expungement petition filed and an
10 additional fee not to exceed \$4 for each certified copy of an
11 order to expunge arrest records.

12 (u) Transcripts of judgment. For the filing of a transcript
13 of judgment, the clerk may collect the same fee as if it were
14 the commencement of a new suit.

15 (v) Probate filings.

16 (1) For each account (other than one final account)
17 filed in the estate of a decedent, or ward, the fee shall
18 not exceed \$25.

19 (2) For filing a claim in an estate when the amount
20 claimed is greater than \$150 and not more than \$500, the
21 fee shall not exceed \$40 in a county with a population of
22 3,000,000 or more and shall not exceed \$25 in any other
23 county; when the amount claimed is greater than \$500 and
24 not more than \$10,000, the fee shall not exceed \$55 in a
25 county with a population of 3,000,000 or more and shall not
26 exceed \$40 in any other county; and when the amount claimed

1 is more than \$10,000, the fee shall not exceed \$75 in a
2 county with a population of 3,000,000 or more and shall not
3 exceed \$60 in any other county; except the court in
4 allowing a claim may add to the amount allowed the filing
5 fee paid by the claimant.

6 (3) For filing in an estate a claim, petition, or
7 supplemental proceeding based upon an action seeking
8 equitable relief including the construction or contest of a
9 will, enforcement of a contract to make a will, and
10 proceedings involving testamentary trusts or the
11 appointment of testamentary trustees, the fee shall not
12 exceed \$60.

13 (4) There shall be no fee for filing in an estate: (i)
14 the appearance of any person for the purpose of consent; or
15 (ii) the appearance of an executor, administrator,
16 administrator to collect, guardian, guardian ad litem, or
17 special administrator.

18 (5) For each jury demand, the fee shall not exceed
19 \$137.50.

20 (6) For each certified copy of letters of office, of
21 court order, or other certification, the fee shall not
22 exceed \$2 per page.

23 (7) For each exemplification, the fee shall not exceed
24 \$2, plus the fee for certification.

25 (8) The executor, administrator, guardian, petitioner,
26 or other interested person or his or her attorney shall pay

1 the cost of publication by the clerk directly to the
2 newspaper.

3 (9) The person on whose behalf a charge is incurred for
4 witness, court reporter, appraiser, or other miscellaneous
5 fees shall pay the same directly to the person entitled
6 thereto.

7 (10) The executor, administrator, guardian,
8 petitioner, or other interested person or his or her
9 attorney shall pay to the clerk all postage charges
10 incurred by the clerk in mailing petitions, orders,
11 notices, or other documents pursuant to the provisions of
12 the Probate Act of 1975.

13 (w) Corrections of numbers. For correction of the case
14 number, case title, or attorney computer identification
15 number, if required by rule of court, on any document filed in
16 the clerk's office, to be charged against the party that filed
17 the document, the fee shall not exceed \$25.

18 (x) Miscellaneous.

19 (1) Interest earned on any fees collected by the clerk
20 shall be turned over to the county general fund as an
21 earning of the office.

22 (2) For any check, draft, or other bank instrument
23 returned to the clerk for non-sufficient funds, account
24 closed, or payment stopped, the clerk shall collect a fee
25 of \$25.

26 (y) Other fees. Any fees not covered in this Section shall

1 be set by rule or administrative order of the circuit court
2 with the approval of the Administrative Office of the Illinois
3 Courts. The clerk of the circuit court may provide services in
4 connection with the operation of the clerk's office, other than
5 those services mentioned in this Section, as may be requested
6 by the public and agreed to by the clerk and approved by the
7 Chief Judge. Any charges for additional services shall be as
8 agreed to between the clerk and the party making the request
9 and approved by the Chief Judge. Nothing in this subsection
10 shall be construed to require any clerk to provide any service
11 not otherwise required by law.

12 (y-5) Unpaid fees. Unless a court ordered payment schedule
13 is implemented or the fee requirements of this Section are
14 waived under a court order, the clerk of the circuit court may
15 add to any unpaid fees and costs under this Section a
16 delinquency amount equal to 5% of the unpaid fees that remain
17 unpaid after 30 days, 10% of the unpaid fees that remain unpaid
18 after 60 days, and 15% of the unpaid fees that remain unpaid
19 after 90 days. Notice to those parties may be made by signage
20 posting or publication. The additional delinquency amounts
21 collected under this Section shall be deposited into the
22 Circuit Court Clerk Operations and Administration Fund and used
23 to defray additional administrative costs incurred by the clerk
24 of the circuit court in collecting unpaid fees and costs.

25 (z) Exceptions.

26 (1) No fee authorized by this Section shall apply to:

1 (A) police departments or other law enforcement
2 agencies. In this Section, "law enforcement agency"
3 means: an agency of the State or agency of a unit of
4 local government which is vested by law or ordinance
5 with the duty to maintain public order and to enforce
6 criminal laws or ordinances; the Attorney General; or
7 any State's Attorney;

8 (A-5) any unit of local government or school
9 district, except in counties having a population of
10 500,000 or more the county board may by resolution set
11 fees for units of local government or school districts
12 no greater than the minimum fees applicable in counties
13 with a population less than 3,000,000; provided
14 however, no fee may be charged to any unit of local
15 government or school district in connection with any
16 action which, in whole or in part, is: (i) to enforce
17 an ordinance; (ii) to collect a debt; or (iii) under
18 the Administrative Review Law;

19 (B) any action instituted by the corporate
20 authority of a municipality with more than 1,000,000
21 inhabitants under Section 11-31-1 of the Illinois
22 Municipal Code and any action instituted under
23 subsection (b) of Section 11-31-1 of the Illinois
24 Municipal Code by a private owner or tenant of real
25 property within 1,200 feet of a dangerous or unsafe
26 building seeking an order compelling the owner or

1 owners of the building to take any of the actions
2 authorized under that subsection;

3 (C) any commitment petition or petition for an
4 order authorizing the administration of psychotropic
5 medication or electroconvulsive therapy under the
6 Mental Health and Developmental Disabilities Code;

7 (D) a petitioner in any order of protection
8 proceeding, including, but not limited to, fees for
9 filing, modifying, withdrawing, certifying, or
10 photocopying petitions for orders of protection,
11 issuing alias summons, any related filing service, or
12 certifying, modifying, vacating, or photocopying any
13 orders of protection; or

14 (E) proceedings for the appointment of a
15 confidential intermediary under the Adoption Act.

16 (2) No fee other than the filing fee contained in the
17 applicable schedule in subsection (a) shall be charged to
18 any person in connection with an adoption proceeding.

19 (3) Upon good cause shown, the court may waive any fees
20 associated with a special needs adoption. The term "special
21 needs adoption" has the meaning provided by the Illinois
22 Department of Children and Family Services.

23 (aa) This Section is repealed on January 1, 2022 ~~2021~~.

24 (Source: P.A. 100-987, eff. 7-1-19; 100-994, eff. 7-1-19;
25 100-1161, eff. 7-1-19.)

1 (705 ILCS 105/27.1c)

2 (Section scheduled to be repealed on January 1, 2021)

3 Sec. 27.1c. Assessment report.

4 (a) Not later than February 29, 2020, the clerk of the
5 circuit court shall submit to the Administrative Office of the
6 Illinois Courts a report for the period July 1, 2019 through
7 December 31, 2019 containing, with respect to each of the 4
8 categories of civil cases established by the Supreme Court
9 pursuant to Section 27.1b of this Act:

10 (1) the total number of cases that were filed;

11 (2) the amount of filing fees that were collected
12 pursuant to subsection (a) of Section 27.1b;

13 (3) the amount of appearance fees that were collected
14 pursuant to subsection (b) of Section 27.1b;

15 (4) the amount of fees collected pursuant to subsection
16 (b-5) of Section 27.1b;

17 (5) the amount of filing fees collected for
18 counterclaims or third party complaints pursuant to
19 subsection (c) of Section 27.1b;

20 (6) the nature and amount of any fees collected
21 pursuant to subsection (y) of Section 27.1b; and

22 (7) the number of cases for which, pursuant to Section
23 5-105 of the Code of Civil Procedure, there were waivers of
24 fees, costs, and charges of 25%, 50%, 75%, or 100%,
25 respectively, and the associated amount of fees, costs, and
26 charges that were waived.

1 (b) The Administrative Office of the Illinois Courts shall
2 publish the reports submitted under this Section on its
3 website.

4 (c) This Section is repealed on January 1, 2022 ~~2021~~.
5 (Source: P.A. 100-1161, eff. 7-1-19.)

6 Section 70. The Criminal and Traffic Assessment Act is
7 amended by changing Section 20-5 as follows:

8 (705 ILCS 135/20-5)

9 (Section scheduled to be repealed on January 1, 2021)

10 Sec. 20-5. Repeal. This Act is repealed on January 1, 2022
11 ~~2021~~.

12 (Source: P.A. 100-987, eff. 7-1-19.)

13 Section 75. The Code of Criminal Procedure of 1963 is
14 amended by changing Sections 106F-20 and 106F-25 as follows:

15 (725 ILCS 5/106F-20)

16 (Section scheduled to be repealed on July 1, 2020)

17 Sec. 106F-20. Task Force; meetings; duties.

18 (a) The Task Force on Children of Incarcerated Parents
19 shall meet at least 4 times beginning within 30 days after the
20 effective date of this amendatory Act of the 101st General
21 Assembly. The first meeting shall be held no later than August
22 1, 2019.

1 (b) The Task Force shall review available research, best
2 practices, and effective interventions to formulate
3 recommendations.

4 (c) The Task Force shall produce a report detailing the
5 Task Force's findings and recommendations and needed
6 resources. The Task Force shall submit a report of its findings
7 and recommendations to the General Assembly and the Governor by
8 March 1, 2021 ~~2020~~.

9 (d) (Blank).

10 (Source: P.A. 101-480, eff. 8-23-19; 101-606, eff. 12-13-19.)

11 (725 ILCS 5/106F-25)

12 (Section scheduled to be repealed on July 1, 2020)

13 Sec. 106F-25. Repeal. This Article is repealed on January
14 1, 2022 ~~July 1, 2020~~.

15 (Source: P.A. 101-606, eff. 12-13-19.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.